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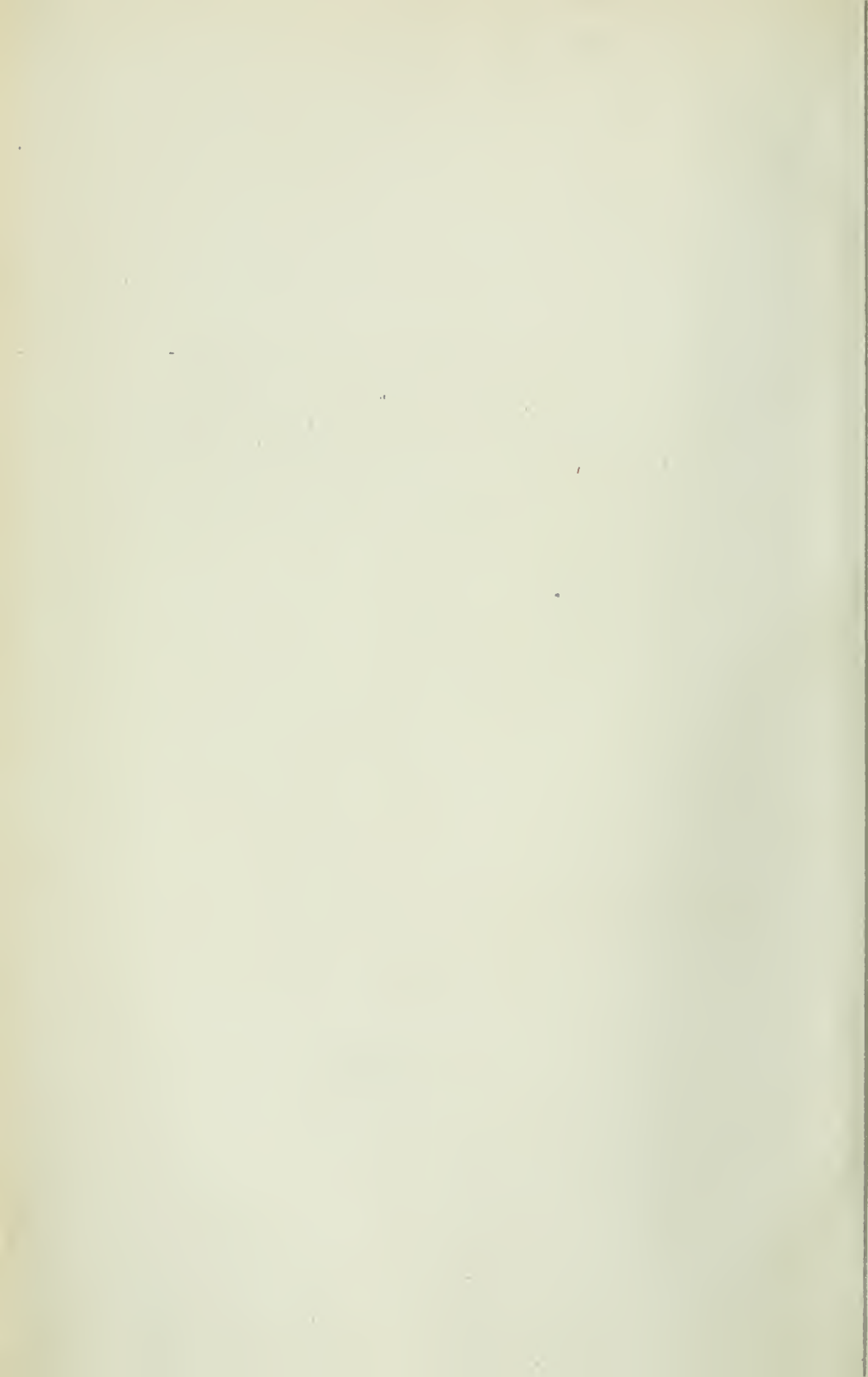
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NEW YORK COURT OF APPEALS.

1903.

GERMAN VIEWS ON INSANITY FROM THE JUDICIAL STANDPOINT.

BY DR. HERMAN KORNFELD, OF GLEIWITZ, SILESIA,
Judicial Medical Officer and Honorary Member Medico-Legal Society.

In Germany, Jurists and Psychiatrists view the insane from widely different standpoints, as stated in the recently (1901) published Manual of Judicial Psychiatry, by Prof. Hoche, in collaboration with Professors Aschaffenburg and Hollenberg, and Dr. Schulte.

Psychiatrists hold that diseases of the mind are to be considered as affections of the brain, (page 33); while Jurisprudence, considering only the psychical side of the individual, inquires into his responsibility, ability to conduct his affairs, his personal behavior, etc. When a disease of the brain is proved, then it cannot be denied that the expert is the physician, and not the psychologist or the lawyer. But as it is generally acknowledged that up to the present time pathological anatomy has contributed nothing, or but little, towards an explanation of the symptoms of insanity in many psychical diseases; the proper expert in these cases, is not the physician; but a specialist, who combines medical with psychological knowledge.

At this time the psychic symptoms of a disease of the mind are not yet quite completely distinguishable from those occurring in a disease of the brain or any other organ. Aschaffenburg declares: (p. 69) "The delirium of fever is undoubtedly a disease of the mind." This is exactly what I believe. But then I might ask: Is there no fundamental difference between insanity in fever, and for instance, paranoia, supervening quite unforeseen, not accompanied by any bodily symptom, and not showing in post mortem any change in the brain, accountable for the insane thoughts? There certainly

exist very many cases, of which at present, it is impossible to say whether madness is only accompanying a bodily disease, or is only the psychic disease, with or without such changes in the body, as can be explained according to our experience, regarding the influence of the mind over the body in the state of health and disease. But this *petitis principii* from the medical standpoint, that the brain must be affected when madness occurs, is not always justified, and for legal purposes that is quite unimportant.

Reviewing the laws regarding the legal aspects of insanity in Germany we begin with:

I. The Civil Law, in force since January 1, 1900, which holds that those persons cannot transact valid business:

First: Whose disposing mind is clouded by morbid disturbances of the mental faculties, when, as that state, according to his nature, is not a transient one. (Par. 104, Sec. 2.)

Second: Who is under guardianship on account of insanity. (Sec. 3.)

A will is void when he who makes it has been declared incapable of making a contract. (Par. 105.)

Also when the will is made in a state of unconsciousness or transient disturbance of mind.

A guardianship can be instituted for him, who,

First, by reason of disease or feebleness of mind, is not capable of conducting his affairs.

A person put under guardianship because of disease of mind, is, according to Par. 104, incapable of transacting business, it is otherwise in feebleness of mind.

One who is under guardianship because of feebleness of mind, or habitual drunkenness, or while under temporary guardianship in accordance with Par. 1906, is, in regard to contracting capacity, equal to a minor, seven years of age. (Par. 114.)

Paragraph 1906, above cited, permits a temporary guardianship in urgent cases.

A person is of full legal age (majority) when he is full 21 years old.

A minor of seven years is only responsible to a limited extent for damages done to others. (Par. 106); at 14 he must give his consent to be legitimized, (Par. 1728, Sec. 2.); at 16 a female may contract marriage, (Par. 1302); may execute a

valid last will, (Par. 2229); swear, (Par. 393); the declaration of a last will, if it does not contain for the minor a legal advantage, requires the consent of his legal representatives, (Par. 107, 132, Sec. 2.); without this he cannot establish or relinquish a domicile. (Par. 8.)

It is important whether a minor has been put under guardianship because of insanity or on account of feebleness of mind. And on this head the expert will only too frequently be called upon to declare a person insane, and the Court will act accordingly, notwithstanding that the person ought to be regarded in the light of science and of common opinion, to be feeble-minded, because of his capacity for conducting affairs shown afterwards, and vice versa. The expressions "insane" and "feeble-minded," are thus in law, of an essentially legal nature. The expert is asked: "To what degree does the abnormal state of mind affect the capacity for conducting affairs?" And this degree, not the character of the disease of the mind of an idiot or maniac, etc., all determine which of the two, insanity or feebleness of mind, is to be declared as existing in the case at hand. It is obvious that the desire of the law-giver to protect the feeble-minded has, by this law, been secured only with a sacrifice, and this could easily have been obviated by dividing the feeble-minded into two classes.

First. Those feeble-minded to a degree equalling insanity with incapacity for conducting affairs.

Second. Those of a minor degree with whom a restrictive capacity for business is found.

Guardianship instituted because of insanity, renders void all contracts, wills, etc., etc.; also when there exists sufficient proof that he was placed under it erroneously; or when the ward recovers fully while yet under guardianship.

As to capacity for testifying, Paragraph 56, of the Criminal Procedure, says: These are to be interrogated without an oath, who at the time have not attained the age of 16 years, or by reason of insufficient mental maturity or feebleness cannot perfectly understand the sense and significance of an oath.

Partial insanity is recognized by some psychiatrists, for instance, Zich, but is almost universally denied. Courts have held differently. I am of the opinion that this question is not such a difficult one, having regard only to the practical side. It is certain that nobody can always absolutely deny

that a fixed insane belief may have induced such an insane person to make a will, to damage others, etc.; but when a connection cannot be found, when this same person in all other respects appears sane; when the motives do not differ from those of normal people under similar circumstances; when the subject, notwithstanding his apparently only partial insanity, has managed his affairs reasonably, why contend that his mind could not have been in that special case, completely unclouded? It is certain that fixed errors might be found in many whose soundness of mind is not doubted, and as these enjoy the benefits of their soundness so long as this partial insanity has not openly disclosed itself, why not let those also incur the consequences of their short-comings in cases where the affection has not been proved to have been the cause of them?

II. Criminal Law. The fundamental paragraph of the German Penal Code is Section 51. A punishable act does not exist, when he who committed it, at the time of committing it, is in a state of unconsciousness, or mental disturbance of his mind, by reason of which his free will was excluded. The first words of this Paragraph have the remarkable consequence that he, who aids such an insane person in perpetrating any otherwise punishable action, cannot be called to account, (except when instigation is evident), for as there is no punishable act, no crime is said to exist. Thus aiding a homicide or arson, perpetrated by such a person, is not a matter for criminal prosecution.

Regarding unconsciousness, the Imperial Supreme Court of Germany, sitting at Leipzig, has declared that this state of mind need not to be a complete one. An unconsciousness produced by hypnosis, is likely not to be regarded as exonerating, everybody being deemed to have enough power of mind to resist criminal suggestions made seriously, whereas in experiments, the subject feels certain that all the things he is requested to do by the hypnotist, would never be unlawful acts.

A number of jurists, as well as experts, claim that the law recognizes lessened responsibilities. The German law does not recognize such, and the law-giver was satisfied that mitigating circumstances in the proper cases, would be sufficient for supplying the defect. It has been justly remarked that

many sections of the German Penal law mention nothing about these circumstances, especially in cases of murder, arson, perjury. They allege, furthermore, that lessened responsibility is in the law expressly understood, when the age of the criminal is taken into consideration. Thus in

Sec. 55. No prosecution follows when the action was committed at a time when he who perpetrated it had not reached his 12th year. (But measures may be taken for his correction and surveillance.)

Sec. 56. He is absolved, who, at the time of his crime was 12, but not yet 18 years old, and that he did not possess sufficient insight to know that his action was a punishable one. (The Court may order his discharge or his transfer to a house of correction, but only till he completes his 20th year.) When the perpetrator possesses this insight, the punishment is according to Sec. 57, a more lenient one.

The theory: "The lesser the guilt, the lesser the punishment," says Ascheffenburg, is a thoroughly false one, and for it should be substituted, "Protection of society against the crime of the individual; legal protection of the individual against the force used by the authorities in the name of society." In conformity with the views of the new criminal school, Aschaffenburg holds that "Psychiatriy has to take the lead for laying the foundation for entirely new penal laws, those now existing being in some respects incomplete, in other respects, in view of our erroneous psychological and psychiatric understanding, and, therefore, should be brought into harmony with these views. He argues: "The question is to know:

"First. The general causes of crime.

"Second. The causes in special cases before us"

We know about these two points merely this: That crimes against morality show an increase from the commencement of the Winter till July; that dangerous violations are connected with habitual inebriety; that there is a coincidence between thefts and the price of grain, and a certain relation between the different varieties of crimes and age and sex, and that according to statistics such criminals are incorrigible:

Will power is not free but is guided, and the formation of character, (as he contends against Calker v. Orsloff and others, does not depend upon the free choice of mankind); for

instance, he gives the following definition: "Freedom of will power is the faculty to decide for yourself in a normal way with normal motives."

What he means by "normal" he has not specified.

This whole theory, which, as Aschaffenburg concedes, is contrary to the popular view, but is to be accepted as "the more illuminated opinion of the expert," is certain not to be accepted by the law, especially the English and American law. It is contrary to the divine law, which is nearer to the heart of every man, as the Bible expresses it. This intermingling of health and sickness, of crime and insanity, punishment and palliation, is a sort of Darwinism introduced into legal medicine. Upon the firm ground of the laws of God we are, and only by them, justified in punishing those who transgress those laws. As we mean to harmonize the laws of the country with these laws, as the law-giver at least has tried to harmonize them, so we also require that they be obeyed. It is not for vengeance that we punish an evil-doer, but because of the necessary satisfaction to every honest man that crime shall be treated as such, as something to be abhorred; and to be followed by reasonable and certain consequences.

It is only by the example set by nature itself, whenever its laws of health, etc., are transgressed. It is also certain that punishment shall contribute to deter others from offending society, and incidentally in a certain sense it is also for the good of society, that malefactors during the time of their imprisonment are prevented from transmitting their bad qualities to posterity.) Improvement is also part of the objects of punishment, but whether this object is attained depends in a high degree upon the character of the criminal himself. The question as to when a certain penalty or punishment is a means for attaining a higher standard of morals, belongs rather to the domain of philosophical and theological controversies, and cannot be considered in detail here.

We may add that capital punishment is likewise a part of those punishments which are commanded by the laws given by the All-Merciful One, and adding a bit of theology, the Hebrew word used for "God" has in the light of these laws, the significance of "The Divine Judge."

THE MEDICO-LEGAL VALUE OF IMMUNE SERUM.

BY ARTHUR P. HITCHENS, M. D., GLENOLDEN, PA.

The investigations and discoveries in experimental medicine and bacteriology, tending to a closer knowledge of the phenomena of immunity, have been so far-reaching that there is scarcely a branch of medicine not affected by these researches. Not only are their products of vital importance to the therapist, the diagnostician, the surgeon and the specialist, but they give the medico-legal expert results which can be obtained in no other way. He has no class of reagents by which he can gain more accurate information than by those from the blood serum of immunized animals.

It is not the purpose of this paper to give any detailed account of the theories promulgated to explain these phenomena, or a description of the various chemical and physical natures of the substances under discussion. It is simply intended to notice some of the effects of immune serum and mention a few of the uses to which they might be put in forensic medicine.

In order to do this intelligently it will be necessary to consider briefly the subject of immunity itself.

Immunity in medicine means a power to resist disease—disease in its broadest sense. There are two forms of immunity—natural and acquired. Naturally immunity is, in general, a race characteristic; it is illustrated by the fact that such diseases as leprosy and syphilis are unknown among the lower animals, while man is insusceptible to “black-leg,” and other of the ordinary diseases of cattle. Acquired immunity concerns the individual; we say one acquires immunity to typhoid fever by an attack of the disease. Some of the phenomena of acquired immunity have been known since the days of antiquity. Pliny tells the story of Mithradates

Eupator, a Persian king, who reigned about 130 B. C. He feared the plots of his court and so saturated his body with every known poison that none could harm him. It is probable that the observation of some of the manifestations of immunity led Hippocrates to formulate the dogma that the same thing which will produce disease will also prevent it. It is said that savages have means of preserving themselves against certain venoms. The large amounts of arsenic taken by the mountaineers of Styria, and the accustoming of horses to the same poison, are common examples of such immunity. There are cases on record of morphine-eaters taking as much as two or three grams of morphine in a single day. There are few who do not remember the process of immunizing themselves to nicotin.

Whether the immunity is brought about by a definite chemical poison, or by one of the bacterial poisons, does not signify. When one of these harmful substances comes in contact with a cell and injures it, an attempt is made to repair the damage and prevent further destruction, and, as in all such cases, more reparative material is thrown out than is really necessary. This excess is well illustrated by noticing the amount of callus formed around a bone fracture. In the case of bacterial or toxic injury the excess or reparative and protective material is set free, and is found in the blood and other body fluids. The specific organisms which cause such diseases as diphtheria, tetanus and botulism secrete in their growth, whether in the body or in a culture outside the body, soluble poisons. When these poisons, or—as they are more properly called—toxins, irritate the body cells, the substances which are formed to act against and neutralize them are called *anti-toxins*. By taking a filtered germ-free culture of the tetanus bacillus, and mixing with it some blood serum from an animal which has recovered from an attack of tetanus, this neutralizing effect is easily demonstrated. A guinea pig injected with only the toxin will die, while one receiving toxin and antitoxin will live. Beside the bacterial toxins, there are in this class of anti-toxin producers, the vegetable poisons abrin and ricin and the snake venoms. An *anti-venomous* substance is called antivenene.

The second class of bacteria and the one which has most

interest for us, is that in which the poisons are kept within the cell and not liberated until the organism is in some way broken up. We know that in the case of the toxin formers it is necessary to have a simple substance only to combat and neutralize their effects—antitoxin. But where, as in this second class, recovery from or immunity to the disease means destruction of active living cells much more complex anti-bodies are necessary.

It would be not only extremely inconvenient, but also impossible to study these phenomena in the blood of a human patient exclusively, therefore, animals are made immune to the particular disease to be investigated. The general procedure followed is the injection into a suitable animal at certain intervals of repeated doses of toxins, bacteria, cells or other foreign material for which the anti-body is desired. For example, if a specific agglutinating or bacteriolytic substance for the typhoid bacillus is wanted, a guinea pig is given, first gradually increasing doses of a killed or attenuated culture, then at intervals of about every five days, living typhoid organisms by injection into the peritoneum or under the skin. The animal receives six to eight doses and then is allowed to rest about a week before being bled. The most common bacteria of this class are those which cause typhoid fever, dysentery, cholera, bubonic plague and the pyogenic cocci. This property of the body cells of dissolving and destroying the bacterial cell is not a process specially designed to meet pathological emergencies. As pointed out by Welch, the sole defensive weapons of the body, often laemmably imperfect for morbid states, are adapted primarily to physiological uses. The products thrown out to combat the bacteria are analogous to those which the cells employ in the assimilation of food. And what is said of the production of anti-bodies, by the immunization of an animal to the bacteria just enumerated, applies equally to any foreign protoplasmic cell. Liver, kidney, spleen, epithelial cells, spermatozoa, nerve cells and blood corpuscles injected into an animal of a species different to the one from which they were obtained, will give rise to anti-bodies. The most interesting and valuable part of this phenomenon is that the anti-bodies act only against the variety of cell used for the injection. When an animal is given a forced immunity to typhoid fever, or during an at-

tack of the disease in a human patient, the substances formed and poured into the blood will act against the typhoid bacillus and no other. The anti-bodies formed by injecting liver cells of a guinea pig into a rabbit, after the manner of an immunization, will act against the liver cells, and not against the spleen or kidney cells of a guinea pig, nor will they have any more effect on the liver cells of a cat or dog than normal rabbit serum.

Whatever is said of the substances formed by the injection of bacteria, also applies to those formed in the course of the disease, in the latter case, however, they are likely to be less in amount. In the typhoid fever patient, for instance, the germs are present in the tissues and the anti-bodies are formed in the same manner as if injected, but the *animal* must withstand the effect of not one but many attacks, being compelled to overcome repeated and increasing amounts of virulent organisms. Necessarily, more anti-bodies are produced.

There are three substances of separate and distinct identity formed in the immunization of an animal to one of this class of organisms; they are called, according to their function: Agglutinins, cytolsins and precipitins. According to Ehrlich, the agglutinins and precipitins are simple bodies, while the cytolsins are complex.

AGGLUTININS.

When we observe a bouillon culture of the typhoid bacillus twenty-four hours old, we find it diffusely cloudy; there are no clear spaces in the fluid, and there is no one point where the bacteria seem to have grown more luxuriantly than another. A drop of this culture examined under the microscope will show the little rods in active motion, darting rapidly hither and thither across the field, striking one another and bounding off. If, now, to this culture there be added a drop of blood serum from a typhoid patient or typhoid immune animal, a change is soon noticed. The bouillon, once diffusely turbid, is seen to have developed little tufts, which become denser until the tube appears to contain small flocculent granules suspended in the clear bouillon. These little clots separate if the tube be shaken, but soon thereafter sink to the bottom. Under the microscope, the very active bacteria are seen to have lost their motility, they are clumped together in little masses and no free organisms

are seen. This is the effect of the agglutinins—the reaction which is so familiar to physicians as the Gruber-Durham or Widal reaction for typhoid fever. As long ago as 1889, Charrin and Roger noticed that the bacillus pyocyaneus—the organism found in green pus—when cultivated in its own immune serum, did not produce a diffuse turbidity as in ordinary serum, but grew in little clots. Under the microscope the bacteria were grouped together and motionless. In 1891, Metschnikoff found an analogous phenomenon taking place when the spirillum described by him, and the diplococcus of pneumonia were grown in the serum of animals respectively immunized against them. Issaëff confirmed these observations on the pneumococcus in 1893. All these interesting facts, however, attracted no general attention, and those who noticed them did not seem to think that further investigation would lead to anything of great value.

Early in the year 1896, Durham communicated to the Royal Society the results of his work in Gruber's laboratory. According to Welch, "In this, and the rapidly following papers of Gruber and Durham, the real importance and general character of this reaction with immune serum were first made clear." Later in the same year, Widal's paper appeared and immediately attracted universal attention. It was shown that the agglutinins were present in the blood not only during the course of the disease, but even as early as the period of infection, before the appearance of symptoms. It has recently been shown by Ruffer and Crendiropoulo that the formation of agglutinins starts within thirty to forty-eight hours after injection, and the quantity continues to increase until the tenth day.

It is scarcely necessary to add that the agglutinins are specific. Cross agglutinations have been observed, but this anomaly is so rare it does not interfere materially with the value of the reaction. Not only bacteria, but, also, blood corpuscles and specialized cells are clumped by the agglutinins.

CYTOLYSINS.

In addition to this power of clumping the cells, immune serum also possesses the property of disintegrating and dissolving the organisms used for the immunizing experiment. If we take one of our cultures of typhoid bacilli, dilute a

small portion—say the amount taken up by a fine loop at the end of a platinum wire—and put a measured portion of this dilution into liquid nutrient agar, we are able to count the number of bacteria present in the loopful of culture. The liquid agar, to which the diluted culture has been added, is poured into a flat cover dish and incubated. Each of the bacteria, separated by the very high dilution, will grow and produce a colony. These colonies counted and the number multiplied by the dilution, will give the desired result. If to this culture a small quantity of serum from an animal immunized to typhoid, and some fresh normal serum be added, similar dilutions made at intervals thereafter will show a rapid decrease in the number of bacteria present in the bouillon, until after a longer or shorter time, according to the proportions of the immune serum and complement, it is found that no colonies appear in the agar, the bacilli having lost their power of developing. The reason for this is clearly demonstrated by putting a drop of the mixture of culture and fresh immune serum between a slide and cover glass and observing the resultant changes under a microscope. The bacteria are seen to swell up, lose their shape, become granular and burst, finally being reduced to a shapeless granular mass. In the case of red blood corpuscles, the solvent action is similar, but as we are unable to cultivate them, the rate of hemolysis (as the action of lysins on red blood corpuscles is called), may be gauged with fair accuracy in a normal saline suspension in a test tube, by the appearance of dissolved hemoglobin. So long as the corpuscles remain intact they will tend to sink to the bottom of the tube, and not discolor the supernatant salt solution, but as hemolysis progresses hemoglobin is set free, dissolved, and the fluid becomes pink or red, according to the amount of destruction to the corpuscles. No reaction is considered which does not take place within four hours at 37 degrees C., or within 24 hours at room temperature. The changes may, of course, also be observed under the microscope. When the other cytolytins, such as hepatolysin (acting on liver cells), nephrolysin (kidney), or neurolysin (nerve cells), are to be studied it is more convenient to inject the immune serum into an animal against whose cells the inoculations have been made. A guinea pig nephrotoxin or nephrolysin, will cause in a

guinea pig an intense nephritis, which may best be studied by post mortem examination.

The observations of Pfeiffer, in 1894, gave the impetus that stimulated work along this line, the results of which seem to promise so much for the treatment of some diseases. Pfeiffer took up the question of immunity from a standpoint hitherto unstudied. Instead of using a test tube to hold his reagents, he utilized the abdominal cavity of a guinea pig. He found that the spirillum of Asiatic cholera would grow very well in the peritoneum of this animal, but when he used a guinea pig which had been immunized to cholera, remarkable changes took place. By drawing out some of the fluid every few minutes with capillary tubes, and examining it under the microscope, the changes detailed above as bacteriolysis, were seen for the first time, the highly motile cholera organisms became quiescent, lost shape, swelled, became granular and disintegrated. All this occurred within twenty minutes. This phenomenon, called Pfeiffer's reaction, is specific, and does not occur when organisms other than the cholera spirillum are injected into the cholera immune animal, nor when cholera germs are injected into the peritoneum of a normal guinea pig, or one immune to other bacteria.

The next year Bordet showed that this was due to something in the blood serum and other body fluids of the immunized animal, and he demonstrated the reaction in a test tube by using some of its fresh blood serum. Old serum or serum heated to about 60 degrees C., had little or no effect, but Pfeiffer noticed that if this "debilitated" immune serum mixed with the organisms were injected into the peritoneum of a normal guinea pig, the reaction took place. Then Bordet showed that the immune serum rendered inactive by heat or age could be reactivated by the addition of fresh serum from a normal guinea pig.

These facts supported by work done by himself and Morgenroth, led Ehrlich to conclude that there must be two substances distinct in character, concerned in bacteriolysis or hemolysis, as the case may be. The substance which depends on immunization and is more resistant to heat, was called the immune body. The immune body alone will unite with the organism, but cannot destroy it, and the body necessary to bring about the destruction, the body residing in

fresh normal serum and possessing so little resistance was called the complement. Considerable experimental evidence has shown that the immune body is the "go-between,"* and must first be linked to the substance to be acted upon before the complement can exert any destructive action.

Metschnikoff and others, in their work on the cytolytins or cell dissolvers, have obtained sera capable of dissolving the variety of cell injected and specific for that cell. Emulsions of the testicle, or the spermatic fluid injected into the peritoneal cavity of a guinea pig, after the manner of an immunization experiment, causes the serum of the animal to develop the capacity of immobilizing fresh spermatozoa. Liver cells, spleen cells and every other variety so far tried give rise to specific cytolytins, or, as they are sometimes called, cytotoxins. Von Dungern seems to have reached the climax when he obtained a serum which would immobilize the cilia of the tracheal columnar epithelium.

PRECIPITINS.

We now come to the third class of substances which appear in the blood of an immunized animal, and although there can be no doubt that the agglutinins and cytolytins will be found useful in certain medico-legal cases, making some knowledge of them imperative, yet it is the precipitins which answer the requirements of a long-wished-for and much needed reagent. The precipitins are different from the other products of immunity, in that, while these are produced by and act upon organized cells, the precipitins are stimulated by and act upon fluids. When a rabbit is treated by subcutaneous or intra-peritoneal injections of guinea pig serum every three or four days for a few weeks, it is found that if the blood serum of the rabbit be added to some guinea pig serum, a precipitation will occur. No clouding is noticed, however, when the rabbit's serum is added to the serum of the dog, cat, sheep, goat or any animal other than the guinea pig. Normal rabbit serum has no such effect on normal guinea pig serum.

Krause was the first to demonstrate the existence of specific precipitins, and they are sometimes spoken of as Krause's precipitins. To the germ-free filtrates of cultures of chol-

*The term "go between" is here used in its ordinary sense and not as a translation for "zwischenkörper."

era, plague and typhoid, he added their respective anti-sera; the result was a clouding and precipitation in the culture filtrate. The reaction was specific—if typhoid immune serum was added to typhoid culture filtrate the reaction was positive, but no change occurred when added to any of the others.

The production of anti-bodies which act on milk was first observed by Bordet (March, 1899). He treated rabbits by intraperitoneal injections of milk, and after a few weeks bled them. The serum thus obtained was found to have acquired the power of precipitating the particular kind of milk used for treating the rabbit. Wasserman and Schutze repeated and confirmed these observations the next year; human, cow's and goat's milk being used in the treatment. The serum of rabbits, injected with human milk, precipitated human milk and no other. This is also true of goat's milk and cow's milk anti-sera. These sera are also called "lacto-sera." Fisch found that cow's milk precipitin could also be produced by the injection of the udder cells of a cow, and further than the precipitating action could be neutralized by a serum prepared by treating guinea pigs with a glycerinic extract of the stomachs of calves and pigs. This leads him to think that the active substance in lactosera is allied very closely to lab or rennet. Tchistovitch tried peptone solution, but was unsuccessful in obtaining a precipitating serum; however, Castellani obtained positive results with somatose and roborat (a vegetable albuminoid), although the reaction with somatose was faint. Myers obtained a positive result with Whitte's peptone. This experimenter also prepared sera specific for hen's and duck's egg albumin and bullock serum globulin.

The credit for being the first to notice the formation of specific precipitins in the blood is due to Tchistovitch. He inoculated rabbits with eel serum, which is poisonous to them, and obtained a serum, as he expected, which would neutralize the toxic power of the eel serum. In addition when the two sera were mixed, a precipitation occurred while serum from a normal rabbit caused no precipitation. He next found that a rabbit treated with horse serum would yield a serum which would cause a precipitation when added

to horse serum, but which had no effect when added to the serum of a donkey.

Bordet and Uhlenhuth injected defibrinated fowl's blood (which, of course, contained the corpuscles), and found that besides agglutinating and dissolving the chicken's corpuscles, it would also cause the formation of a precipitate in the fowl's serum. Nolf "proved the converse," when he obtained a precipitating serum for rabbits' blood by treating chickens with rabbit serum. Wasserman and Schutze used twenty-three different animals for testing the specificity of their serum; the animals were: the horse, donkey, goat, cow, ox, sheep, pig, dog, cat, baboon, guinea pig, house-mouse, house-rat, goose, duck, chicken, sparrow, eel, pike and tench. The only one of these which gave any reaction at all with the human precipitin was that of the baboon, and in this case the reaction was much slower in appearing and less complete than with the human blood. They also made tests with blood which had been dried for three months on knives and linen. Ziemke obtained positive reactions with putrid blood and blood which had been dried for two years on cloth, soil, steel, plaster, wood, glass and paper. The serum prepared by Stern gave a positive reaction with human blood and albuminous urine only, although he obtained a feeble though positive reaction with three species of monkey. Mertens, Dieudonne, Zuelzer and LaClainche and Vallee obtained satisfactory reactions with albuminous urine. Mertens also used pleural exudate. Linossier and Lemoine state that in this reaction with urinary albumin, the amount of precipitate does not show the amount of albumin present.

The work of Uhlenhuth is most interesting. He found that the serum he prepared, by using the whites of hen's eggs, would react to solutions of chicken's egg albumin in very high dilutions.

Several rabbits were treated and in one case a positive reaction was obtained when the dilution of egg-white was 1-100,000! The highest dilution with which a reaction was obtainable by using the ordinary reagents was 1-1,000. Normal rabbit serum never produced this reaction, and, moreover, none of the commercial preparations of albumin, except those derived from fowl's eggs, gave any reaction whatever. He also used old dried blood, decomposing and

putrefying blood, urine contaminated with menstrual blood and blood in soap water—in each case the reaction was positive.

In the very extensive investigations of Nuttall and Dinkelspiel, thirty-six kinds of blood were used. "The serum of rabbits treated with human blood, serum and pleural exudate produced a marked precipitate only in human blood solutions. The blood of the four monkeys gave a slight but distinct reaction. A very faint clouding appeared in the solutions of the bloods of the horse, ox and sheep, whereas all the other bloods remained perfectly clear. Positive reactions were also obtained with serum from a blister on the foot, blister fluid from a burn on the hand, putrid blood and nasal and lachrymal secretions." Mixtures of different sera were made in order to determine whether or not it would be possible to mask the presence of a certain blood by covering or mixing it with some other. In no case was there any appreciable deleterious effect produced by such mixtures. In every series the reactions were positive only with precipitins corresponding to those bloods contained in the mixture, and such results were obtained when each blood in the mixture was diluted up to about 1-500 or 1-600.

The technique employed by Nuttall has given very satisfactory results. The blood, pleuritic exudation, etc., was injected intra-peritoneally in quantities of 5 and 10 c. c., usually beginning with the smaller dose and never exceeding the larger. The abdomen of the animal was shaved over the seat of operation and the skin disinfected. Injections were made with a metal syringe, having a needle with a rather blunt point. Animals were weighed regularly and no second injection was given until any loss in weight had been regained.

Anti-sera containing sufficient precipitin to be of practical value were obtained after the fifth or sixth injection—sometimes earlier. The animal was bled from the lateral ear vein after the ear had been shaved and disinfected. The blood was collected in sterilized, fine-pointed bulb pipettes, from which it was expelled into test tubes laid almost horizontally in racks. The serum may be kept in sealed tubes or in stoppered bottles, with the addition of a little chloroform or toluol. Nuttall and others have found

it very convenient to preserve normal serum and defibrinated blood dried on filter paper; the amount of fluid absorbed may be easily estimated. Anti-sera may also be preserved in this way, perfectly characteristic reactions being given by them after having been dried forty-two days.

APPLICATION.

Let us now consider briefly some possibilities of the various products of immunity.

First.—Antitoxins. The bacterial toxins and snake venoms belong to a class of very complex protein substances, concerning the identity of which a chemical examination gives absolutely no positive information. A proof of their toxicity, first by animal injection, and then neutralization of the lethal effect by the homologous antitoxin, will give evidence concerning the identity of the poison which cannot be disputed. The growing knowledge among the laity, of the effects of bacterial poisons renders their criminal use possible. It was charged and proved by this method only a short time ago that the diphtheria antitoxin of a certain municipal laboratory contained tetanus toxin. The criminal use of snake venom is far from being unknown in India.

Second.—Agglutinins. The value of the agglutinins in the diagnosis of disease does not end with the life of the patient. Positive Gruber-Durham reactions have been obtained with the blood kept under almost as many adverse conditions as those just enumerated for the precipitins. In the case, for instance, of a murdered typhoid patient, blood on the hands or clothing of the suspect may not only be identified as human blood, by the agglutinin reaction, but we may also assure ourselves whether or not it came from a person suffering with, or immune to typhoid fever, possibly the victim in question. The diagnosis of certain bacterial species in which the agglutinins are indispensable, may not come within the realm of forensic medicine, but the differentiation of diseases with masked symptoms is, without their aid, frequently difficult. The identification of the para-typhoid and para-colon infections is impossible without a positive Gruber-Durham reaction.

Third.—Cytolysins. The cytolysins, which seem to promise so much for the treatment of disease, have had their place

in jurisprudence rather usurped by the precipitins. Their specific solvent action on various cells will corroborate evidence given by the agglutinins and precipitins.

Fourth.—Precipitins. Schutze has pointed out that for the identification of spermatozoa, the injection into an animal of semen or testicular cells is not necessary. Any albuminous body fluid will produce sera capable of precipitating the semen. Evans and Gehrman have suggested a very practical and important application of the precipitin reaction—that of the determination of horse meat used as an adulterant for beef.

By a microscopic examination of blood that is fresh, and in which the red corpuscles are in a state of fair preservation, it is possible: (1) In the absence of nuclei to determine that it is not the blood of a reptile; (2) if the corpuscles be circular, to exclude birds and the camel; and (3) after a careful measurement to give evidence that *it is not inconsistent* with human blood. With old blood, putrid and dried for months on various substances, the only evidence obtainable with the guaiacum, hematein or spectroscopic tests would be to identify it simply as blood. Evans and Gehrman have reported a positive reaction with dried blood diluted 1-100,000—far beyond the power of the spectroscope.

The precipitins have already been utilized with good success in criminal cases by Whittier, Ferrai, Ogier and Stockis. Patek and Bennett also worked up a case, but the blood stains were not admitted as evidence—having been collected several days after the alleged murder.

SUMMARY.

1. There are four classes of immune serum products—anti-toxins, agglutinins, cytolytins and precipitins.
2. Anti-toxins neutralize the poisonous effect of the specific toxins producing them.
3. Agglutinins cause a clumping of the specific cell exciting their elaboration.

* This suggestion, although not strictly medico-legal, might be extended to some other delicacies—cat served for rabbit, for instance; pork in our chicken salad, deviled crab with considerable of the first two syllables—reed birds and sparrows. Think of the terror that would strike our hearts should any one publish an immune serum analysis of Wienerwurst or Frankfurters, and the monument that would be erected to the man who discovered the composition of boarding house hash!

4. Cytolysins dissolve and disintegrate the specific cell administered to an animal to stimulate their formation.

5. Precipitins react in a specific manner to fluids used in their production. By the use of the precipitins we are able to identify human blood, not only fresh, but after long exposure to various physical and chemical influences.

6. The precipitin reaction is not only indispensable to the identification of human blood, but it far surpasses all other known blood reagents in delicacy. A positive reaction has been obtained in dilutions of 1-100,000.

7. The amount of work done with these products, with uniform results, renders them reliable as reagents in medico-legal work.

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LEGAL AND MEDICAL INSANITY.

CASE OF WM. HOOPER YOUNG.

BY HON. D. CADY HERRICK,
Justice of the Supreme Court.

Mr. Clark Bell, the President of the Medico-Legal Society, sent me galley proofs of his article on the above topic, with allusions to the comments of the Press, lay and medical, respecting my remarks to the jury in the case of Young, tried before me, and requested me to send him a correct statement of what was said, and my views on the subject. I sent in reply the following stenographic notes furnished by the Court stenographer, and a little additional memoranda explanatory of my action in the case, for such use as he might think proper in the case:

The People of the State of New York, against William Hooper Young:

The jury having been empanelled in this case and some testimony taken therein, the defendant tendered the plea of murder in the second degree, which was accepted and sentence pronounced. After pronouncing the sentence, Mr. Justice Herrick turned to the jurors who had been empanelled for the trial and remarked as follows:

(From Stenographer's minutes of trial.)

"Gentlemen of the jury, that relieves you and the Court from a very serious responsibility. I may say this, that the Court has advised the defendant's counsel to tender this plea, and has advised the District Attorney to accept it. And the Court is prepared to take the full responsibility for what has been done. You have been detained here some time, and put to inconvenience which may appear to you to have been unnecessary. So, in justice to you, I should perhaps say this. The reason of accepting this plea is because of the man's mental condition. You are, perhaps, aware that he has been under surveillance and examination by physicians, prac-

tically, since last Wednesday. And the report of their examination, as brought into me by the District Attorney this morning, is substantially, as I understand it, to this effect.

"That while this man is not insane in the legal acceptance of that term that medically, so to speak, they find him an insane man. That is to say, there is a difference between what in common language is known as legal insanity and medical insanity. To relieve a man of responsibility, because of an insane condition, he must be in that mental condition that he does not know the difference between right and wrong. There are many people who are insane according to medical authorities, but who know and realize the distinction between right and wrong. Know when they are doing right and know when they are doing wrong, but it is claimed that they are incapable of restraining their acts, although they may know them to be wrong.

"Now, this man is described to be in that class of cases, that is, that while he is mentally unbalanced and has delusions, yet he knows the distinction between right and wrong, and is therefore, legally responsible for his acts. But as you may readily conceive, the dividing line between medical and legal insanity, so to speak, is frequently not easily distinguished. It is hard to tell where one merges and is lost in the other. This man's insanity is described to me as of the kind that is progressive; that is, he will get worse and worse until he is finally a complete mental wreck. Now, it seems to me that under such circumstances, the law is not warranted in inflicting the death penalty upon him. That it is better for the cause of justice that this man be sent for life to a place of hard labor, rather than that there should be any question about our having tried, condemned and put to death a possibly irresponsible man, who, although he had committed an atrocious act, yet because of his mental condition, we could not say it was upon his part a criminal act.

"For these reasons I have advised the counsel in this case, one to offer and the other to accept this plea."

Afterwards called upon to explain a little more fully what he meant by legal and medical insanity, and why, if Young was insane, at the time he committed the act, he should be permitted to plead guilty to murder in the second degree, I state, that in saying what I did to the jury, and making use of the terms legal and medical insanity, I was simply making use of a common expression that has grown in use amongst laymen, and to some extent in the legal profession, to distinguish that form or degree of insanity which does not excuse a man from liability for his acts.

The Penal Code, Section 21, provides that "A person is not excused from criminal liability as an idiot, imbecile, lunatic or insane person, or of unsound mind, except upon proof that, at the time of committing the alleged criminal act, he was laboring under such a defect of reason, as either (1) Not knowing the nature and quality of the act he was doing, or (2) Not to know that the act was wrong."

And it is further provided by Section 23, that, "A morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor."

Medical men, however, as I understand it, recognize forms of insanity where the insane person knows the nature and quality of the acts he does, and knows whether they are right or wrong. But insanity of that kind, as shown by the provisions of the Code referred to, does not relieve a person from the consequences of the act done by him.

Now, in this case there were experts who had examined Young in behalf of the defense, and there were experts who had examined him in behalf of the prosecution—men of the highest standing in their profession—and it was reported to me that the experts for the prosecution and the defense, all concurred in saying that the man was insane and laboring under delusions. As reported to me, the experts for the prosecution held that while insane and having delusions that yet he knew the nature of the act that he had committed, and knew whether it was right or wrong. On the other hand, as reported to me, the experts in behalf of the defense, claimed that his insanity was of that character that he did not know the nature of the act he had committed, and was incapable of distinguishing right from wrong. If the trial proceeded, and the theory of the prosecution's experts was sustained, why then this man would have been convicted of murder in the first degree and sentenced to death, although all agreed that as a matter of fact, he was an insane man. The idea of sentencing a man who was insane to death was extremely abhorrent to me. On the other hand, if the defense succeeded in their contention, it would have been the duty of the jury to find the defendant "not guilty because of insanity," and upon the rendition of such a verdict it would be the duty of the Court, under the law, to sentence the defendant to confinement in a State lunatic asylum until he became sane.—Section 454, Code of Criminal Procedure.

What then was the practical thing to do, to proceed with a long and expensive trial, where the probable outcome would be, not guilty because of insanity, or to take the plea of guilty of murder in the second degree, upon which the de-

fendant would be sentenced to State Prison for life, and if it was ascertained that he was insane, he would then, under the law, be transferred to an asylum for insane criminals.

If he recovered from his insanity he would be re-transferred to State Prison.

In either event he should be placed beyond all danger of doing further injury to any one.

He can now only be released by the action of the Governor of the State.

I believe the right thing was done.

At all events the responsibility rested upon me, and right or wrong, I have taken it.

TOXICOLOGICAL.

THE SERUM TEST FOR BLOOD.

BY E. S. WOOD, M. D., OF BOSTON,
Professor of Chemistry, Harvard Medical School.

During the past fifteen years the immense amount of work which has been done upon the blood, in the study of various questions concerning antitoxins and immunity, has resulted in the discovery of the formation in the blood of various specific antibodies, such as the antitoxins, and also of certain specific precipitins, which will produce precipitates in different kinds of blood. The study of these bodies is still in its infancy, and offers a vast field for special investigations.

I need not go into the detail of previous work done upon these bodies. The investigations of Krause, in 1897, first demonstrated the presence in the blood of the specific precipitins in the antisera of the cholera, plague, and typhoid. Those of Bordet, in 1899, showed the formation in the blood of the rabbit of the specific antibodies which act upon milk. The antibodies formed acted only upon the special kind of milk with which the rabbit was treated. If the rabbit was injected with human milk, its serum precipitated the casein from human milk only; its serum would not precipitate the casein from cow's milk or goat's milk. Later, these results were confirmed and the investigations extended, so as to demonstrate the formation in the blood of antisera, which acted upon the different kinds of blood or blood serum. The first discovery of blood antisera was made by Tschistovitch in 1899, and his work has been confirmed and extended since then by Uhlenhuth, Wassermann and Schutze, Myers, Nuttall, Biondi and many others.

Read before the Medico-Legal Society, at New York, March 18, 1903.

It has been found that rabbits are the animals which are best suited for this kind of experimentation. If a rabbit is prepared by injecting into the peritoneal cavity, several times at intervals of a few days, about 10 cc. of any kind of blood or blood serum, there will be formed in the blood of that rabbit a peculiar body, called by Myers and Nuttall a specific precipitin, which will produce a precipitate, called by them the precipitum, in the diluted blood or blood serum of an animal of the same kind as the one with which the rabbit was prepared. It will not produce a precipitum in the diluted blood or blood serum of an animal of any other kind unless it be very closely allied generically, nor will it produce a precipitate with the diluted blood or blood serum of a normal rabbit. A rabbit may also be treated with any pathological fluid containing human blood serum, such as pleuritic exudation and hydrocele fluid, when the precipitin will be formed which will produce the precipitum in diluted human blood.

Uhlenhuth, in February, 1901, prepared rabbits both with human blood and ox blood, producing in the rabbit human antiserum in one case and ox antiserum in the other. His comparative tests were made with the blood of man, ox, horse, donkey, pig, sheep, dog, cat, deer, fallow-deer, hare, guinea pig, rat, mouse, rabbit, chicken, goose, turkey and pigeon. No precipitum was formed in the diluted blood solution of any of these animals except the one with which the animal was prepared.

Uhlenhuth made the important discovery that the precipitate was produced in clear solutions made by treating dried blood stains with normal salt solution, just as well as in diluted fresh blood.

Wasserman and Schutze, also in February, 1901, found that it was not necessary to treat the rabbit with blood, but only with the blood serum. The hemolysins obtained by treating the rabbit with the red blood cells, and the agglutinins formed by the action by the hemolysins upon the red blood cells, have no importance from a medico-legal point of view, since the red blood cells may be completely destroyed in blood stains which have been exposed to various conditions. For this reaction it is necessary that some red blood cells should be in suspension. These authors made comparative experiments with the blood of man, horse, donkey, goat, cow,

ox, sheep, pig, dog, cat, baboon, guinea pig, rabbit, mouse, rat, goose, duck, chicken, sparrow, eel, pike and tench. They found that the antiserum from the rabbit prepared with human blood reacted also with the blood of the baboon, but much more slowly and less strongly than it did with diluted human blood.

Stern, February, 1901, found also that the blood of the humanized rabbit reacted feebly with the diluted blood of three different kinds of monkeys, a species of *cercopithecus*, *macacus cynomolgus*, L. ("Java-Ape"), and the "Crown-Ape."

Nuttall, July, 1901, made comparative experiments with thirty-six different kinds of blood; the bloods being those of man, four species of monkey: *Cercopithecus campbelli*, Waterh., *cercopithecus patas*, west coast of Africa; *cercopithecus lalandii*, Is. Geoffr., South Africa; *macacus rhesus*, India; the rufous rat-kangaroo (*hypsiprymnus rufescens* [Gray], New South Wales), the capybara (*hydrochoerus capybara*, South America); the polecat (*Mustela putorius*), suricate (*suricata tetradactyla*), South Africa; squirrel (*sciurus vulgaris*), guinea pig, tame and wild rabbit (*lepus cumculus*), white rat, black rat (*mus rattus*), horse, ox, sheep, white-tailed gnu (*connochaetes gnu*), South Africa; gazelle (*gazella arabica*), deer (*gervus axis* Erxl, India); dog, cat, pig, bat (*plecotus auritus*), pigeon, chicken, pheasant, swan (*cygnus olor*), duck, chaffinch (*fringilla coelebs*), cross-bill (*nucifraga caryocatactes*), rook (*corvus fragilegus*), swallow (*hirundo urbana*), corn-crake (*crex pratensis*), frog (*rana temporaria*), newt (*molge cristata*), and snake (*tropidonotus natrix*). The serum of the rabbit, which was prepared with sheep's blood, gave a slight reaction with the blood of the gazelle and axis deer, and there was very slight clouding in the blood of the ox, squirrel and swan. The serum of the rabbit treated with ox blood gave a distinct reaction with the blood of the gazelle and axis deer, and slight cloudiness in the blood of the sheep, gnu, squirrel, and swan. The serum of the rabbit prepared with human blood gave a slight reaction with the blood of the four kinds of monkeys tested. He found that it gave a very faint cloudiness in solutions of the blood of the horse, ox, and sheep. The serum of the humanized rabbit gave positive reactions with

diluted human serum, pleuritic exudation, both fresh and putrid, with blood which had undergone putrefaction for two months, with serum from a blister, and a slight reaction with both nasal and lachrymal secretions.

In 1901, Dr. Nuttall published the result of experiments on 140 samples of blood obtained from all classes of vertebrates, and found that none, except the blood of monkeys, gave the reaction for human blood. In April, 1902, the same author published further tests on more than 500 specimens of blood from different sources, the results of which were corroborative of his former work.

In 1902, Dr. C. Biondi, published the result of numerous tests. He found that, if only a small amount of blood was obtainable, the test could be performed in such a way that the formation of the precipitum could be seen under the microscope, the change consisting in a gradually increasing formation of granules, which gradually aggregate together forming masses which, here and there, look like a net. He considers the precipitum to be a serum globulin, and therefore any fluid containing human serum globulin will be precipitated, such as saliva, tears, nasal, mucus, sweat, human seminal fluid, vaginal secretion, and excrement. He obtained a reaction with human tissue pressed out with physiological salt solution, with blood which had undergone putrefaction or had been preserved for many years, with blood stains on leather, bone, horn, metals of all kinds, rusty iron, brick, mortar, stone, earth, glass, porcelain, wood, natural or varnished, and fresh or dried vegetables.

Ziemke, 1901, obtained positive reactions with foul, decomposed blood, blood two years old, blood spots on cloth made in 1878, bloody earth, blood from a man poisoned with CO., and blood stains on linen, which had been exposed to the open air for several months. In October, 1901, the same author published a method of applying the test to blood so old and altered that it is insoluble in the ordinary media. He accomplishes this by dissolving the blood in a concentrated solution of potassium cyanide, then neutralizing the alkaline fluid by adding a few crystals of tartaric acid, carefully testing with red and blue litmus paper until the neutral reaction is almost reached. The fluid is then poured off and filtered. It remains turbid, if the least trace of

an excess of acid is present, but if faintly alkaline, it is clear. It is then diluted with water until yellowish-red in color, when it is ready to respond to the serum test. Blood from the stomach of a cadaver, that had been buried for ten years and was mummified to parchment, was treated in this way, and the typical reaction promptly obtained.

The method of humanizing a rabbit is to inject into the peritoneal cavity about 10 cc. of human blood serum at intervals of two or three days, until the rabbit has received six or eight injections. The rabbit should be allowed to rest about a week after the last injection. The blood serum for performing the test may then be obtained either by killing the animal, by bleeding it from one of the large vessels, or, without killing the animal, by removing a little blood from one of the large veins of the ear. The blood thus collected should be placed in a cool place and allowed to coagulate. The serum which separates from the clot may be used for performing the test.

The blood to be tested should be prepared as follows: If it be fresh blood, it should be diluted about 1:100 with normal salt solution. Thus diluted it should have a light pink color, and this diluted solution, if not perfectly clear, should be allowed to settle until it is clear, and the clear supernatant fluid decanted into another test tube. If the blood to be tested is a dry blood stain, a little of it may be scraped off with the point of a knife on to a watch glass, if the stain be upon cloth into which the blood has soaked, it is necessary to cut out a few threads and transfer them to a watch glass. These fragments of dried blood should then be treated with two or three drops of distilled water, until the soluble portion of the dried blood has been dissolved. The clear solution is then transferred carefully to a very narrow test tube, and to this should be added an equal volume of double normal salt solution. The clear fluid thus obtained, either by diluting fresh blood or by dissolving the blood serum from the dried blood stain, is then tested by adding to it a few drops of the serum obtained, as above described, from the humanized rabbit. If the solution contains human blood serum, there will occur an immediate cloudiness which gradually increases, so that there is a distinct precipitation within one-half hour after the addition of the serum from the hu-

humanized rabbit. It is better to allow the antiserum to flow down the side of the test tube, so as to form a separate layer under the solution to be tested, in the same way that we add nitric acid to urine in testing for albumin. In this case the cloudiness and precipitate may be seen very distinctly in the zone at the point of contact of the two fluids. The precipitate occurs best when the mixture is kept at a temperature of about 37 degrees C.

It has also been found that the antiserum obtained from the humanized rabbit can be kept in dried form by soaking filter paper or blotting paper with it and allowing it to dry.

In this way it is said to preserve its activity for forty-two days more or less (Dr. Nuttall). When it is desired to use this for a test, it may be dissolved from the filter paper by means of a little normal salt solution and filtered if necessary. This clear solution, added to the diluted blood, or solution from a dried blood stain, will give the cloudiness and precipitation the same as the original antiserum obtained from the humanized rabbit.

The writer has applied this serum test in a recent murder case. The test was applied separately to the following stains: One about one-quarter of an inch in diameter on the right elbow of a brown jacket; another about one-half inch in diameter on the lower left front of the same garment. One-half of the stain on the elbow was cut out and soaked with a few drops of distilled water. The material from the other stain was obtained by scraping the surface of one-half of the stain with a knife on to a watch glass, and the powder thus obtained was treated with a few drops of distilled water. As mentioned above, this distilled water solution was transferred to a small test tube and treated with an equal volume of a double normal salt solution. Four small spatters on one leg of a pair of overalls were scraped off with a knife and treated in a similar manner; also one stain, about one-fourth inch in diameter, on the other leg of the same garment. A few threads from two blood stains on the towel were cut out, and a solution made as above described. Also some clotted blood found on a stone which weighed about three pounds, this being the implement with which the murder was committed, the victim being killed by blows upon the head with the stone; a solution of this blood was made in a similar

way. These solutions were placed in small test tubes side by side, and, for purposes of comparison, several other test tubes containing solutions of dried human blood, of that of a dog, ox, pig and sheep. All of these solutions being thus prepared, there was added to each one two or three drops of the test serum obtained from the humanized rabbit. A distinct precipitate occurred within one-half hour in the test tubes containing the fluid obtained from both stains on the jacket, those obtained from both legs of the overalls, from the stain on the towel, from the blood on the stone, and in the test tube containing the solution of known human blood. No precipitate occurred in the test tubes containing the solution of blood from the dog, pig, ox or sheep.

THE SERUM TEST IN RABBITS.

BY PROF. W. F. WHITNEY, M. D., OF HARVARD
MEDICAL SCHOOL, BOSTON.

As a rule, with moderate care there is little danger of infection of the rabbits by the injection. The abdomen should be shaved and the skin thoroughly scrubbed with strong alcohol. The rabbit is held out straight by an assistant taking his ears in one hand and his hind legs in the other. The skin is pinched up with the left hand and the needle introduced by a steady thrust with the right. The only chance is that the point may not be inserted into the peritoneal cavity, but under the loose skin when liability of an abscess forming seems to be greater. Such has been the experience in two of our cases. After withdrawing the needle the abdomen should be again scrubbed with alcohol.

Any syringe that can hold 10 cc. and can be properly sterilized is all that is required. The one we have used is a glass antitoxin syringe with a long, relatively large needle.

The serum which can be most readily procured is hydrocele fluid (in any large hospital several are tapped every week, and each one gives about 200 to 250 cc. of fluid). Ascitic and pleuritic fluid are not quite so common, but the amount is so much larger that it can be used for more rabbits.

Serum can be kept for a long time if collected in a sterilized bottle under aseptic precautions, and a little chloroform poured in and allowed to remain at the bottom of the flask. The mouth can be plugged with sterilized cotton.

These sera have the advantage over those obtained from blood, that they are perfectly clear and do not have to be separated from the blood clot and corpuscles. Human

Read before the Massachusetts Medico-Legal Society, Jan. 4, 1902.

Read before the Medico-Legal Society, March 18, 1903.

blood serum is most readily obtained by squeezing a freshly delivered placenta and then allowing the serum to separate by clotting. The centrifuge is often needed to clear serum of stray corpuscles. About 6 to 8 cc. can be obtained from each placenta.

As to the relative advantage of the serum from one source or another, our experiments, as yet, are not conclusive. Krause says that hydrocele fluid does not develop as strong a reaction in the rabbit as the serum obtained directly from the blood. On the other hand, Uhlenhuth says there is great difference in the susceptibility of rabbits.

In our experience in two parallel series, the hydrocele rabbit gave the better reaction in one and the blood serum rabbit in the other. Further experiments are necessary before this can be regarded as settled.

Is there any indication by which it can be known beforehand whether a rabbit will yield a strong antiserum? The only indication which we have on this point is that in both of those which gave the best reaction, the blood did not coagulate so quickly as in those which gave a poorer reaction. Whether this is a condition which is developed by the formation of the antiserum, or whether it pre-existed, we have no knowledge. If it pre-existed and is more than a coincidence it might be used in selecting the animals for injection.

In two cases a single large dose (100 cc.) of hydrocele fluid was injected at once, but no reaction was obtained either the next day or at the end of a week. So that in this way at least the process cannot be shortened.

It was thought that the antiserum might possibly be secreted by the kidneys, and the urine of a highly sensitized rabbit was collected for this purpose. But no characteristic reaction was obtained.

While the operations and reactions are so simple that they can be performed by anyone, still they require care and exactness, and considerable previous practice should be obtained before one would be qualified to testify in a capital case.

In every case of death by violence, where murder is suspected, and there is a possibility of a blood stain having to be examined, a strip of filter paper should be soaked in the blood of the individual at the autopsy. This should be sent to the expert who makes the examination of the suspected

blood stain in order that any doubt as to this individual's blood giving a serum reaction can be set at rest.

The following discussion ensued:

Dr E. S. Wood:—

I should like to say just a word in connection with the title. At the meeting last June I spoke of this test very briefly as the "Agglutination Test." That term, I have found by recent study to be improper. The term "Serum Test" is more appropriate. The agglutination test resulted from the experiments of preparing animals by injecting into the peritoneal cavity defibrinated blood, including the red blood cells, which produce in the blood a substance which will agglutinate the red blood cells; but for that test to work it is necessary that there be red blood cells in the suspected stains. I have changed the title of the test, for the purposes of this society, to the "Serum Test for Blood."

Dr. Julian A. Mead:—

I should like to ask if this test adds anything to the power of the examiner to detect crime? If there might not have been cases that would have been differently decided, if we had known of this test?

Dr. E. S. Wood:—

It is a very important addition to our means of distinguishing between human and animal blood. At the present time by the old tests, no hematologist would venture to testify in court positively as to whether a certain blood stain was due to human blood or the blood of certain animals whose red blood cells average the same in size as human blood cells. Take, for instance, the domestic animals; the dog comes nearest to the human in the size of the red blood cells. I have never testified in any case that a given blood stain could not have been that of some animal; of course, the burden of proof is on the defense. By our old methods (without this recent test), we were able to testify that a certain blood stain gave results, on measuring the red blood cells obtained from the stain, which showed that the blood stain was consistent with its having been made by human blood, and further than that I do not know that any expert has ever testified. But now if we obtain a positive result by this serum test, we can say that the stain contains human blood serum and does not contain that of any other animal except some species of monkey. There are certain wild animals, the sael for instance, whose red blood cells measure the same as human blood cells, but the comparison is usually made only between human blood and that of domestic animals.

The rule has been not to testify to a certainty as between human blood and that of any animal whose red blood cells average more than 1-4000 of an inch in diameter. Human blood averages 1-3250 and that of the dog 1-3500, which is too near to distinguish with certainty between them, some of the smaller human cells coming within the limits of the dog, and larger cells of the dog coming within the limits of the human.

THE SERUM TEST.

BY DR. JAMES EWING, OF NEW YORK,
Of Cornell University Medical College.

I have listened with great interest to the very concise exposition of the serum test presented by Dr. Wood. My experience with the test has convinced me that under proper conditions, it furnishes fully reliable results for medico-legal purposes. It may be well, perhaps, to emphasize certain technical features which I have found of interest or of essential importance in the preparation of the serum and in the performance of the test.

It has been shown by Kister and Wolf, *Zeit. f. Hyg. Bd.* 41, p. 410, and by Strauss and myself, *Trans. N.Y.Path. Soc.*, 1903, that potent humanized rabbit serum, if added in slight dilution (1-5), will often cause precipitates in the blood of lower animals.

For instance, one very active serum tested gave a flocculent precipitate not only in human blood, but also in the blood of the beef, sheep, goat, etc., when it was added to solutions of these bloods in dilutions of 1 of serum to 10, or even 20, of blood. Only when the test serum was diluted 1-30 did the reaction occur only in the human blood. Somewhat similar results were obtained with other humanized rabbit sera. Hence it is absolutely essential that the strength of each serum be determined, and especially its capacity to precipitate other bloods besides human. I have found that even very active humanized rabbit sera, precipitating human blood albumens when diluted up to 1-200, fail to cause any

Views of Dr. James Ewing in the discussion of Prof. E. S. Wood's paper read before Medico-Legal Society, March meeting, 1903.

flocculent precipitate in three hours in any other blood except human and monkey, if these sera are diluted 1-50. Most sera of ordinary strength fail to cause these spurious reactions if diluted 1-30. One must conclude, therefore, that in order to be sure that the blood tested is human blood, one must dilute the test serum at least 1-50, and require a flocculent precipitate in three hours. I believe that a positive reaction under such conditions, properly controlled, justifies a positive opinion that the specimen is either human or monkey blood. I have recently reported experiments showing that by this calibration of the test serum, one can also rule out the blood of lower monkeys. Another interesting line of observation concerns the relative specificity of action of humanized sera prepared in different rabbits, and in animals other than rabbits. There are good theoretical reasons for supposing that birds will yield more specific humanized sera than mammals. This was found to be the case with a serum prepared from a chicken. This serum failed to precipitate any other blood than human, although added in a dilution of 1-5. Even the blood of lower monkeys (rhesus Java, baboon), failed to react, although in dilution of 1-50 the chicken serum caused an abundant flocculent precipitate in human blood in one hour. I can, therefore, recommend the chicken over the rabbit as the animal to be used in developing the serum. Another interesting matter is the dilution of the blood to be tested. I have found that when the human blood to be tested is diluted 1-100, the most active precipitation occurs. Stronger solutions of blood seem to precipitate less rapidly with equal amounts of serum. Beyond 1-1000 the precipitates are faint. Hence, in testing dried blood one need only to be sure that the blood in solution is dissolved in the proportion of about 1-100, as considerable variations make little difference in the result.

Finally, the control tests are of first importance. One should be sure the salt used in the solution will not precipitate the albumens of the test serum. A known specimen of human blood should be carried through with the suspected specimen. The suspected solution should be treated with normal rabbit serum, and if possible, with some specific serum, as beef-rabbit serum. Contamination from pus, mucus or feces, can usually be set aside by the microscopical exam-

ination, and a mixture of the blood of a lower animal with human albuminous urine must be an extreme rarity. Hence, when all the necessary cautions are observed, the results of this test may warrant a positive opinion that a given specimen is human blood.

THE SERUM TEST.

BY DR. OTTO H. SCHULZE, OF NEW YORK CITY.

The subject under discussion has been so well treated in its scientific and technical aspects by Dr. Wood and Dr. Ewing, that further remarks in these directions would be quite redundant. It might, however, be of some value to review the subject from the lawyer's stand-point.

I have recently had the opportunity to examine blood stains, and to testify on the results in two cases. Considerable opposition was met with on the part of counsel and the court, in getting the facts of the test in evidence, a direct answer being at first insisted upon. On my assurance that time would eventually be saved thereby, I was permitted to state the facts of the test, as the basis of my conclusion, and then to place my opinion in evidence.

The test, strictly speaking, is not a test for blood, but a test for serum-globulin, or serum-globulin and serum-albumin, depending upon whether the precipitin serum is active for globulin alone, or both globulin and albumin. Humanized precipitin serum gives a positive reaction with any substance which may contain human serum-globulin or albumin.

The well known tests for blood, especially the "hemin crystal," and spectroscopic tests, and the morphological examination under the microscope, retain their importance. The only possible, positive conclusion that can be based upon these tests is that the stain contains mammalian blood. The serum test enables us to proceed further, and more safely, in the process of differentiation of mammalian blood stains, than the measurement of red blood cells, and, therefore, marks a most important advance in the forensic examination of blood stains.

At March meeting, 1903, at Waldorf-Astoria. Discussion of Prof. Wood's paper.

In regard to the specificity and therefore, the reliability of the test, contradictory statements are found in the literature of the subject. Analysis of these reports reveals essential differences in the experiments upon which conclusions are based, and discovers sources of error which can readily be avoided. The important factors in the serum test are: (1) The dilution of the solution of blood to be tested. (2) The proportion of the precipitin serum added. (3) The strength of the precipitin serum, i. e. its content of specific precipitin. (4) The extent or degree of turbidity and precipitation within a given time limit.

In practiced hands, working with a precipitin serum that has been thoroughly tested, and under controls, experimentally established, the test is practically specific and reliable. Absolute specificity can not be affirmed, since reactions may be obtained in the blood of other more or less closely related animals, when the controls experimentally established for the precipitin serum used are not rigidly observed.

It would be well in the forensic use of the test to allow the expert to testify to the facts of the tests made, as the basis of his conclusion, and for counsel in cross examination, to thoroughly test the soundness of the expert's conclusion upon these premises, rather than attack scientific facts which are well established.

THE SERUM TEST.

BY PROF. EDWARD S. WOOD, M. D.

Prof. Wood contributes, at the request of the Editor of this Journal, on the suggestion of Dr. James Ewing, the following to the discussion of Dr. Ewing's paper:

Boston, Mass., April 25, 1903.

Hon. Clark Bell, President of the Medico-Legal Society, New York:

Dear Sir:—I have read with great interest the remarks of Dr. Ewing recommending certain modifications in the performance of the serum test for blood. I have not been in the habit of diluting the test sera, but have added it to the blood to be tested after diluting this blood at least 1-100. I have often used a greater dilution than this, so that when the two fluids are mixed the result is practically the same as if the test serum had been diluted in the first place. I can confirm in every respect everything that Dr. Ewing says in regard to the necessity for the most complete control tests.

Very sincerely yours,

EDWARD S. WOOD.

THE VALUE AND MISSION OF THE LABORATORY IN BACTERIOLOGICAL PROGRESS.

BY WILLIAM SEAGROVE MAGILL, A. M., M. D.,
Of the Carnegie Laboratory, New York.

Ladies and Gentlemen:—

The thanks of each member of this Congress are due both to the Chairman of this section, for his thorough and comprehensive resume of the bacteriological problem appointed for your consideration this morning, and to the speaker who has just preceded me, for his strong insistence upon the better clinical study and more efficient therapeutical measures due a tubercular patient from his medical advisors.

I esteem it an especial privilege to open the discussion of these papers before this assembly.

For the honor of this invitation, permit me to express my thanks to the officers of the Congress; and for your cordial reception, to its members.

It would seem that little more could be added to the complete paper of your chairman. The precision of its technical qualities is rendered more striking by the paper which followed it.

Listening to the opening address it seemed that this question of tubercular dissemination and infection should be a very simple one, ready to yield up its secrets to a few direct experiments that would be easy for one equipped with so elaborate a bacteriological instrumentation and technique as has been portrayed by your chairman this morning.

The retrospect of microbiology and the close resume of its immense progress which he has given us, rightly engendered in this audience a full spirit of scientific enthusiasm. If I interpret correctly the feeling of the auditors of the next,

An address by invitation opening the discussion of papers at the Bacteriological Section of the American Congress on Tuberculosis, held at the Hotel Majestic, New York City, June 3rd, 1902.

the clinical paper, the first glow of scientific ardor was somewhat diminished by its tone. That this effect upon his listeners was not intended by its author, I fully believe, but if at the close of this session there may remain with you no shadow of question of the full value of complete investigation of these bacteriological problems, by the most thoroughly equipped and trained scientists, if contributory to that end, I shall esteem myself most fortunate as a laboratory man to have been permitted to open the discussion of these two papers.

We learn almost solely by experience. The man in the laboratory, the oft-times so-called theorist, may frequently be carried so far aside from the practical issue of a question, that he be lost in the intricacies of technique, or the delight of establishing a fundamental point of microbiology. To avert this danger, the warning, the insistence upon the practical results that comes from our clinical man is of utmost value, and should always be warmly welcomed. Perhaps it was in no way the object of this clinical paper to cry down the scientific value of laboratory investigation in this subject of tuberculosis, but that such was the effect, you will all attest. For this reason, pardon me, if I dwell upon the point at some length. The public in general, the intelligent reader, even investigators in other branches of science, as well as all members of the medical profession not closely identified with recent laboratory work in bacteriology, the greater part of young bacteriologists themselves learn only with difficulty, or slowly, to estimate fully the complexity of a problem, and the ever occurring intricacies of investigation in this field.

It is characteristic of the American people to look for quick results. We are accustomed, the more difficult the undertaking, to accomplish it, nevertheless, by bringing into play that much the greater energy. To a certain extent this manner of attaining results is possible in scientific investigation, but there are limits to such possibilities. Most strikingly is this to be realized by workers in the comparatively recent field of bacteriology.

Here the solution of almost any problem involves so many and diverse investigations, the conclusions of which must be previously reached before that consideration of the original problem can be based upon sufficient data to insure scien-

tific accuracy, that the end of each question, like the mythical jack-o'-lantern, is most constantly placed just beyond the grasp of the patient but tireless investigator.

It is a lesson hard to learn and hard to teach that the development of truth, the establishment of absolute scientific fact, is only to be had at the expense of multiple error and frequent, almost disheartening disappointment. They only make progress who learn by previous error.

This subject of tuberculosis, which for the last twenty years, we are accustomed to consider as well on the path of knowledge and experiment, stands where it does to-day over a multitude of mistaken theories and even-announced facts. Early in the days of bacteriology, Koch, one of the most brilliant of its students, published far and wide the discovery of the bacillus of tuberculosis. The lapse of twenty years is leading us to the conclusion that is not a bacillus. He also claimed that this germ caused the tubercle from which the disease derives its name. That the immediate cause of the tubercle is a chemical substance and not a bacillus, the work of recent years has established. Dr. Koch subsequently isolated, distributed and used the now well known "tuberculin," which he claimed to be a scientifically established cure for some forms of tubercular disease. It failed. A second "tuberculin" from the same investigator, likewise failed. As a matter of fact, then, Koch's investigations of tubercular disease, in which he has been the pioneer, and to this day stands foremost as the master, in public opinion, the record of his published work, is to this extent, a record of failure. He announced the determining specific microbe of this infectious disease to be a bacillus, which in all probability it is not. He announced a first, and second, curative fluid, which does not possess reliable therapeutic qualities.

But that our faith in this new science be not shaken by such successive failures, it is sufficient to observe that they teach us.

In the effort to dislodge from its throne of bacillus, Koch's specific microbe, attaining even this result, we have learned of a new class of pathological parasites. (*Aspergilli*, *Mycetes*.)

In this new group of parasites the involved biological principles of a higher type of life, but in degenerate form, explains to us the unusual many-sided resistance to extermin-

ation of the tubercular microbe; that which was difficult of comprehension, while regarding this germ as a bacillus. This much then we have learned in proving an error.

More than this, in the days of shaken faith in the infallibility of bacteriologists; as the Indian returns to "Mother Earth" for strength, back to the first principles of biology do we go for knowledge in each new perplexity. In the study of the tubercular microbe as a degenerate form of a higher type than the bacilliar life, slowly have we learned the multiple variety of form possible for microbes, when subjected to diversity of environment, or of function. This, usually designated "Poly" or "Pleomorphism," establishes its bases more firmly with each investigation within the scope of which its role is fully recognized. And hence, imbued with a better micro-biological knowledge of tuberculosis, that which has been learned from previous errors, we stand to-day more able than ever before to take up the complex question of unity or non-identity of tubercular infection in the animal kingdom.

The failures of both tuberculins as curative substances, erroneous as they may have been in conception, faulty as may have been the physiological deductions upon which was based the suggestion for their therapeutical use, mistaken and even disastrous as were perhaps the multiple clinical experiments therewith, all these, errors, if you like, have perhaps but been the necessary steps to our present knowledge of the use of serums, toxins and anti-toxins.

Can it then be understood why scientific results, real facts, are often slow in discovery, and particularly in establishment? Are we right also in claiming that we learn by error?

Whenever a clinical man reproaches the laboratory, does he do so with a full knowledge and realization of laboratory difficulties, and what should be his own relation to scientifically trained investigators?

To the clinical side of a question we must turn for collection of our data and material for investigations. From the clinic should come our best aids of suggestion and query for laboratory experiment. And back to the clinic, for there alone is the test of success, must go the laboratory results.

But no clinical men must forget that to the well equipped laboratory, and the men trained to the work therein, he is

inevitably indebted for every theory, its establishment and control that marks the scientific progress of the world. The clinical man himself is unworthy the name, who has not been trained thereto by years spent in acquiring the so-called fundamental sciences of medicine, (Physics, Chemistry, Physiology, Biology, Anatomy, etc.) All of which as sciences, exist only on their laboratory achievements and possibilities.

In closing, it would seem that it might be said, a laboratory man is too far removed from clinical observation and experience for the best interests of his work. Without a closer approach, there is danger, that removed from this fountain of suggestion, this training of observation and deduction, and the legitimate enthusiasm of observed successful results of his clinically applied laboratory methods; there is danger, I say, of narrowing the mentality of the laboratory man, to make of him a mere babbler of routine technique.

But on the other side of this question are faults equally great. We are too accustomed to hear the peddler of pills, a more or less quack, and many whose medical education has been deficient in laboratory training, (one might say the fundamental sciences of medicine), such men we hear prate of the "clinic."

Examples like these are not admissible for discussion at this Congress. At most a clinical man here present would permit a criticism that heretofore his unfamiliarity with laboratories and their work, has caused him to fail in the full realization not only of their difficulties, but likewise of their successes.

It required twenty years from the time of its laboratory origin to disseminate through the clinics of Europe the use of general anesthesia. The germ origin of infection was published from the laboratory of Pasteur almost twenty years before its clinical application by Lister, thus establishing antiseptic methods of surgery. And so in an over-extended list can be called to your mind the distance at which the clinic follows the laboratory, and the discouraging slowness with which it profits by laboratory theories and discoveries.

I am fully convinced that the laboratory man wrongly isolates himself from the clinic, for in his heart the clinical man is considered as an ignorant and an inferior. To a measure this is true. The clinical man despises the laboratory for

the paucity of its results, the frequent narrow mentality of its workers, whose real value he is not fitted to understand. For he does not read. That which his laboratory contemporary may have accomplished, by reason of his clinical slowness may reach its practical results only for his son's generation.

This should not be so. A perfection of scientific work is to be found only in close co-operation. Every interest that centers on a problem, its solution, its application, the results, all should be of equal interest to every worker therein engaged. The laboratory man can not be in too close touch with the clinic. Its inspiration, suggestions, results and appreciations are as necessary for the vitality of laboratory (life) research as air for animal life. And the clinical man carrying, as he does, the burden of human suffering, counsellor of humanity in its misery, in many ways their only vital saviour, can not avoid the moral obligation of co-operation with, and debt to the laboratory investigator.

Every step that the laboratory makes possible for the alleviation of disease or its cure, every advance in preventive medicine for the protection of human life that comes from the laboratory, every one of these scientific results must be known promptly, utilized intelligently and efficiently by the clinical man. For as a physician he is held by the highest moral obligation to be the protector and preserver of life for mankind.

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CRIMINOLOGY.

CRIMINOLOGY AND ATAVISM.

BY SOPHIA MCCLELLAND.

Can we not find in the past a starting-point from which nature has fashioned descending generations?

Can we explain the cause of the fearful increase of crime of every description, intimately connected not only with the social conditions of the community, but with the country at large—the decay of faith—the besotted sensualism—the trampling upon the relations of husband and wife, parent and child, master and servant, ruler and subject—the impatience and restlessness under the just restraints of law—the looseness of government and laxity in discipline—the enormous increase in divorce suits—the swelling of our criminal lists, so that our penal institutions are crowded—the suicides, and the worship of devils?

The early stimulation of character through the pioneer period has irritated the nervous system of the people of our country into impulses that have caused an abnormal activity and a serious disturbance of the general physiological balance, and that increased nervous nutrition demanded by the new life, and its consequences has tended to physical degeneration from the type of the parent race. Furthermore, forty years ago, the circumstances of the times were favorable to the development of morbid sentiments—four years of incessant war with its battles and sieges, exciting violent emotions of various kinds, quickened nervous sensibilities, which became exaggerated, like an hypertrophied organ, from excessive development.

Read before the Medico-Legal Society in Psychological Section, May 20, 1903.

The people were a prey to wild passions, tossed from heights to depths, sudden as a thunder clap: they reasoned little but felt much.

During this feverish storm of emotions and of impressions, cool, calm judgment appeared at a disadvantage, the bravest and best of the nation were swept away, while we are to-day suffering from the deplorable consequences in the deterioration of its breed.

The brain must be used and nourished like every other organ, if its functions are to be fully developed. If this be neglected or cultivated in a wrong direction—if the organs of the understanding, reason and judgment are allowed to remain inactive, and the organs of feeling and imagination stimulated and favored, the whole brain is crippled, and one part nourished at the expense of the other. Revelations of scientific research have proven that there are conditions of the brain in individuals, guilty of sudden and unexpected out-rages of the laws of morality, beyond their control, as well as the suicidal or homicidal mania, which can be surely traced to the mental state of the parents, not only as relating to their repugnance to the condition of maternity, but in their efforts to destroy the embryo. Motherhood in these days is looked upon as a burden too heavy to be borne. During the pre-natal period the mother wishes the death of the child, she has a revulsion to its life, and she puts into its being the thought of suicide, and when the time comes, as the years go by, without a hope in life or a trust in God, the disappointments break its heart, and the mothers thought that was given to it, in its formation years ago, takes hold of it and by its own hand dies.

No law can reach the moral nature of a people. No human social system of a large and complex character can exist and flourish without a religion.

When the religious sentiment is to any large degree enfeebled or destroyed, the social and political consequences are serious in the extreme—revolution, anarchy, disintegration—sudden revolutions against the dogmas and dynasties, strange to say, always assume a form of religious enthusiasm.

Over their cemeteries might be graven the assertion that death is an eternal sleep; but in the higher impulse when de-

nied vent through the ancient and familiar channels of faith, forced utterance in another direction—liberty, equality, fraternity.

I have noted the inheritance of individual peculiarities, and found that they were illustrative examples of the heredity of morbid conditions, imperfections and anomalies in the intellectual and moral world, as the origin of the monstrosities which we see in the physical, are to be attributed to hereditary organic influences.

Civilization is a very complex condition, a moral atmosphere to which man has to become acclimated. There must be a correspondence between the moral man and his moral conditions, as between the physical man and his physical conditions. Whoever cannot adapt himself to new conditions of social life must die out gradually, perhaps, yet surely.

The administration of law will be in a healthier state when science and judicial theory combine in administration. The state should see that those who are criminals through heredity, be imprisoned in an asylum arranged for the purpose, fed on wholesome diet, and made to work as much as their condition will allow. The detention to which they are doomed will favor the extinction of their class, as it will prevent the propagating of their kind.

We cannot prevent society protecting itself in its own way, but we should demand all the more urgently the radical reformation of society. The problem of heredity is to be solved in the working out of the problem of environment.

Until motherhood is happy and hopeful, the race must abide in the shadows.

SUPREME COURT.

THE COUNCILS OF REVISION AND APPOINTMENT OF THE STATE OF NEW YORK.

BY CLARK BELL, ESQ., LL. D.

The lawyer of our day, to understand how our forefathers ever consented to such a tribunal as the Council of Revision, must study the condition of the legal mind at the period of the Revolution, for it was the Bar and the Bench of that era that moulded public opinion and framed the Constitution of 1777, and the policy of the nation.

No idea of an elective judiciary by the people had then been considered, or even presented.

Every official exercising executive or judicial functions, had in the past been appointed by the Crown or its representative, and during the whole Colonial period, under English rule, the Council had been charged with extraordinary political and executive powers, and while the Constitution breathed the full spirit of the American Declaration of Independence, as to the right and power of the people, it had not dawned upon the minds of the most ardent of the patriots of the Revolution that it would be wise, prudent or safe to have given full authority by the organic law to the people, to elect their own judges, or to enact laws for their own government, without providing safe-guards and restrictions which would protect the Commonwealth from such a sudden and complete revolution as was presented in the Constitution of 1777.

It was by universal consent agreed that there should be no change whatever in the then existing Supreme Court in its powers, duties and functions, nor in the Court of Chancery. While isolated instances occurred in judges espousing the side of the Crown, after the adoption of the Declaration of Independence, it did not disturb the universal regard and respect the people entertained for these tribunals.

The Council of Revision was created by the Third Section of that instrument, and although it appears in a previous chapter, I repeat it here:

3. AND WHEREAS, Laws inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed; BE IT ORDAINED, That the Governor, for the time being, the chancellor and the judges of the Supreme Court, or any two of them together with the Governor, shall be, and hereby are, constituted a Council to revise all bills about to be passed into laws by the legislature. And for that purpose shall assemble themselves, from time to time, when the legislature shall be convened; for which, nevertheless, they shall not receive any salary or consideration under any pretense whatever. And that all bills which have passed the Senate and Assembly, shall, before they become laws, be presented to the said Council, or a majority of them, that the said bill should become a law of this State, that they return the same together with the objections thereto in writing, to the Senate or House of Assembly, in whichsoever the same shall have originated, who shall enter the objections sent down by the Council, at large, in their minutes, and proceed to reconsider the said bill. But if after such reconsideration, two-thirds of the said Senate or House of Assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

This Section was introduced in the Convention of Representatives of the State of New York, on the 18th day of April, 1777, by Robert R. Livingston, who was afterward made Chancellor, and the original draft is in his handwriting: (1) and the same introduced Sections 23, 24 and 25, providing for a Council of Appointment, and clothed this Council with the power of appointment of the Chancellor, the Judges of the Supreme Court, and all other officers of the State, the members of the Assembly and Senators, except clerks and officers of the Courts, including attorneys. (2)

1 Illustrated Papers (MSS.) 37, p. 540, in the office of the New York Secretary of State.

2 *Vide Ante*, Sections 23, 24, 25, 26, 27 and 28, Constitution of 1777.

On May 8th, following the adoption of the Constitution of 1777, the convention adopted a plan for organizing a temporary form of Government until the Constitution could be carried into effect by the election and appointment of the officers provided for by that instrument.

The convention elected Robert R. Livingston to the office of Chancellor, and he was confirmed by the Council October 17, 1777, the elections having been held during the summer, and the Assembly having assembled at Kingston on September 9th, 1777. (3)

Prior to the Constitution of 1777, from the earliest Colonial times (English), the authority for holding the Court of Oyer and Terminer and General Gaol Delivery, was by a commission issued by the Governor, directed to the Judges named in the commission, and this practice continued until 1788, February 22nd of that year, when it was enacted that the Justices of the Supreme Court, or any of them, with certain designated magistrates, should hold Courts of Oyer and Terminer without any commission, at the same time and place the Circuit Courts were held, which shows the origin and continuance of a practice still existing.

But the same act provided that the Governor, with the advice and consent of the Council of Appointment, could issue commissions of Oyer and Terminer, the Judges to be named in the commission, when deemed necessary, and such other Judges as the Governor or Council of Appointment, and this power was limited to the Judges so named in the commission.

In 1789 it was enacted that any and all issues joined in the Supreme Court might be tried by the said Court, either at the circuit or the bar of said Court, without any order of the Court for that purpose. (4)

From 1691 to 1799 no regular reports of cases were made. In 1804 a law was passed authorizing the Courts to appoint

3 Street's New York Council of Revision, p. 17.

4 3 Greenleaf 362.

a Reporter. This officer collected and published the reports from 1799 to 1803. (5)

The reports were continued. Prior to 1799 no systematic reports were published, except in isolated cases in the first half of that century. During Judge William Smith's term as Chief Justice, 1693 to October 5 1700, the reports are published in the collections of the New York Historical Society.

George Clinton was elected to be Governor and Lieutenant Governor in the summer of 1777. Governor Clinton accepted the Governorship and was the first Governor of the State. Pierre Van Cortlandt, who was President of the Council of Safety, was elected Lieutenant-Governor by the Council of Appointment.

The first term of the Supreme Court was held under the new Constitution, September 9, 1777, at Kingston, New York, Chief Justice John Jay presiding.

On May 18, 1784, the first Grand Jury and the first Court of Oyer and Terminer after the Revolution, sat in the City of New York. James Duane, Mayor of the city, associated with Judge Hobart in the commission, delivered the charge to the Grand Jury. (6)

The Constitution of 1777 fixed the judicial age limit at 60 years, which is 10 years below the present limitation. Alfred B. Street, in his valuable work upon the New York Council of Revision, published in 1859, the most able and carefully prepared sketch of the Council of Revision and its labors, to which I am greatly indebted for very much of my information, says, in explanation of this clause, that it was inserted in the Constitution of 1777 in consequence, it is said, of Dan-

5 Preface to Johnson's Supreme Court Reports.

6 Street's Council of Revision, p. 55. Life D—, by Samuel W. Jones, 4 Doc. History (1078).

iel Horsmanden having been continued as Chief Justice notwithstanding his advanced age and growing infirmities. (7)

If this was the reason it was unfortunate, and as the sequel showed, unnecessary.

George Caines was appointed first Reporter of the Supreme Court, as well as for the Court for the Correction of Errors, under the Act of April 7, 1884, with a salary of \$850 per annum. (8)

On April 4, 1807, the Supreme Court Judges were authorized to appoint an additional clerk and establish a clerk's office in the town of Whitestown, Oneida county, with an additional seal, and such an officer and office was established at Utica, New York.

After March 30, 1819, terms of the Court were held on the first Monday of January and August, in Albany, and in May and October in the City of New York.

7 At the beginning of the American Revolution the Supreme Court was composed of Chief Justice Horsmanden and Justices Robert R. Livingston, George D. Ludlow and Thomas Jones.

The Court was divided politically, in respect to the Revolution; Justice Livingston warmly espousing the patriot cause, and Chief Justice Horsmanden, Justice Ludlow and Justice Jones adhering to the cause of the English throne.

During the early years of the Revolution Justices Ludlow and Jones retired into Westchester county, some parts of which was under the protection of British troops and the jurisdiction of the Crown, and exercised their duties there. Chief Justice Horsmanden remained in New York City, then in possession of the British, and continued to discharge the duties of the office until his death, in September, 1778. This made Justice Ludlow principal Judge, and he acted as sole Judge until the close of the war, when he went to New Brunswick, Canada, where his brother, Gabriel G. Ludlow, resided and who, when New Brunswick was organized as a Province, August 16, 1781, became President of that Province and Commander in-Chief. When Governor Carleton returned to England Judge Ludlow was appointed, by the Crown, Chief Justice of the Supreme Court of New Brunswick, taking his seat in 1784, and held the position of first Chief Justice of the Supreme Court of that Province at a salary of £500 (Sterling) until his death in 1808.

He had a grant of land on the St. John River above Frederickton, which he named Green Hill, after Governor Colden's residence in New York.

Dr. B. G. Ludlow, who died in the early 1890s, at the age of 83 years, was his last descendant in the male line.

A sketch of his life and a portrait appears in Vol. I of the Supreme Court of the States and Provinces of America, p. 159.

Both Ludlow and Jones, with fifty seven others, were (by an Act of the New York Legislature passed October 22, 1779) attainted of the offence of adhering to the enemies of the State, and their property, real and personal, was confiscated. (Jones and Varick 3940).

The salaries were fixed, April 1808, at £750, New York currency, and the Associates at £500, New York currency per annum; and the Associate Judges, 40 shillings a day for attendance on Court of Oyer and Terminer, besides travel fees.

The Legislature, annually, gradually increased these salaries until they were made £2000 each per annum.

On June 19, 1812, their salaries were raised to \$3000 per annum, for three years, and in 1816 to \$4,500, with limit as to time.

In 1820, the salaries were reduced to \$3,500, and in 1821 to \$3,000, at which they remained until the Constitution of 1821.

THE CONSTITUTION OF 1821.

This Constitution abolished the Council of Appointment which had existed from 1777 to 1821, a period of forty-four years, which covered the period in which our country had carried on two wars with Great Britain.

The Constitution adopted in 1821 went into operation January 1, 1823, and the powers and duties vested in the Council by the Constitution of 1777, were devolved upon the Governor of the State.

The Council was composed of the Governor, the Chancellor, the Chief Justice of the Supreme Court and all the Judges of the Supreme Court, and the Lieutenant Governor or President of the Senate, when either of these officers was administering the government.

The Council had not only the practical veto power over the action of the Legislature, but it was so composed that it wielded an enormous power and influence upon legislation.

It was well described by Mr. Alfred B. Street, who is its only historian worthy of notice, except in isolated cases and instances, as "An independent branch of the legislative power," and who truly says "that its vetoes illustrate the legal and constitutional history of our State jurisprudence."

They have been compiled by Mr. Street in the volume referred to, from the five manuscript folio volumes in the office of the Secretary of State at Albany.

Its first session, reported by Mr. Street, was held on January 28, 1778, and its last reported session was held March 29, 1822.

It is a very valuable collection indeed, of opinions and views of eminent men upon a great variety of subjects, embracing questions of constitutional law, of which no similar compilation can be found.

Mr. Street says of these decisions as a whole, what all who read and study them will concede to be true.

"The distinguished men that composed the Council, anxious not only to vindicate those vetoes to the public, but knowing that they would encounter the objections and arguments of the Legislature, framed them with great care, and they consequently will be found marked by vigor, clearness and legal precision, both in thought and keenness."

The vetoes are all indexed, and the subjects to which the objections were addressed, and the work is of great value to the historical student.

During these forty-four years the following Governors presided over the Council of Revision:

George Clinton, 1778 to 1797.

John Jay, 1797 to 1801.

George Clinton, 1801 to 1804.

Morgan Lewis, 1804 to 1807.

Daniel Tompkins, 1807 to 1817.

De Witt Clinton, 1817 to 1819.

Robert R. Livingston, 1778 to October 21, 1801.

John Lansing, Jr., Oct. 21, 1801, to Feb. 25, 1814.

James Kent, Feb. 25, 1814, to the close of 1821.

John Jay, 1778 to 1779.

Richard Morris, Oct. 23, 1779, to Sept. 1790.

Robert Yates, Sept. 28, 1790, to Feb. 15, 1798.

John Lansing, Jr., Feb. 15, 1798, to Oct. 21, 1801.

- Morgan Lewis, Oct. 28, 1801, to July 1, 1804.
 James Kent, Feb. 25, 1804, to Feb. 25, 1814.
 Smith Thompson, Feb. 25, 1814, to Feb. 9, 1819.
 Ambrose Spencer, Feb. 9, 1819, to close of 1821.
 Robert Yates, 1778 to Sept. 20, 1790.
 John Sloss Hobart, 1778 to August 9, 1798.
 John Lansing, Jr., Sept. 28, 1790 to Feb. 15, 1798.
 Morgan Lewis, Dec. 24, 1792, to Jan. 29, 1794.
 Egbert Benson, Jan. 29, 1794, to Feb. 15, 1798.
 James Kent, Feb. 15, 1798, to August, 1798.
 John Cozine, August 1798, to December, 1798.*
 Jacob Radcliffe, Dec. 1798, vice Cozine, to Jan. 8, 1802.
 Brockhorst Livingston, Jan. 8, 1802, vice Lewis, to Jan. 9,
 1807.
 Smith Thompson, vice Benson, Jan. 8, 1807, to Feb. 25,
 1814.
 Ambrose Spencer, vice Radcliff, Feb. 3, 1814, to Feb. 9,
 1819.
 Daniel D. Tompkins, Jan. 1, 1804, to Jan. 1, 1807.
 Wm. W. Van Ness, June 9, 1807, to Constitution of 1821.
 Joseph C. Yates, Feb. 8, 1808, to 1822.
 Jonas Platt, Feb. 25, 1814, to 1822.
 John Woodward, May 27, 1819, to 1822.

The Constitution of 1821 made an organic change in the Supreme Court, besides the abolition of the Council of Appointment. It provided that the powers exercised by that Council should devolve upon the Governor, by and with the advice and consent of the Senate.

The Council of Appointment had been created by the Constitution of 1777, and like the Council of Revision, it fell, and was abolished by that of 1821. The changes this made in the Supreme Court were these. It reduced the number of judges to a Chief Justice and two Associate Justices. They sat four times a year in review of decisions made at the circuit, and for the determination of questions of law.

Their terms were fixed as follows, in 1821: The third Mondays of February and October in Albany; May term in New York, and August term in Utica.

These were changed as follows: First Mondays of January, May and July, and third Monday of October; January and October terms at Albany, May term in New York, and July term at Utica.

These terms sat continuously until and including the fifth Saturday, but no argument was heard the fifth week, except by consent of parties or counsel.

In 1841, the October terms were changed from Albany to Rochester, with the clerk resident at Geneva.

One Judge sat at the capital at Albany for non-enumerated business as it arose in Court, and to take charge of cases inconvenient to hear in term time. Process was tested in the name of the Chief Justice, and if there was none, in the name of any judge. The Court had power to make its own rules and to alter and modify them at will, and were directed to revise them every seven years.

Judges held their office during good behavior or until sixty years of age. They could be removed by joint resolution of the Legislature, concurred in by two-thirds of the Assembly and a majority of the Senate: could hold no other office; were exempt from military duty; could receive no fees or perquisites; could not act in any cause in which they were parties, or in any way interested by consanguinity or affinity, or in any other way; could not decide or act on an appeal from their own decision, or have a partner practicing in a court in which the were judges, or be directly or indirectly interested in courts in any action unless they were parties.

The judges were made members of the Court for the Trial of Impeachments and the Correction of Errors. The Courts appointed their own clerks, and held for three years. Each clerk was required to have one deputy to act in his absence.

The Reporter of the Court was appointed by the Lieutenant Governor. The Chancellor and Chief Justice of the Supreme Court held office during their pleasure.

The State was divided into eight circuits, one judge in each circuit, corresponding with the then eight Senatorial districts. Each circuit judge had the powers of Supreme Court Judge at Chambers, and sat twice a year in every county in the State, except New York City and county, where there were four circuit courts held.

The Circuit Judge fixed the time and place of holding his courts, for periods of two years, at his discretion.

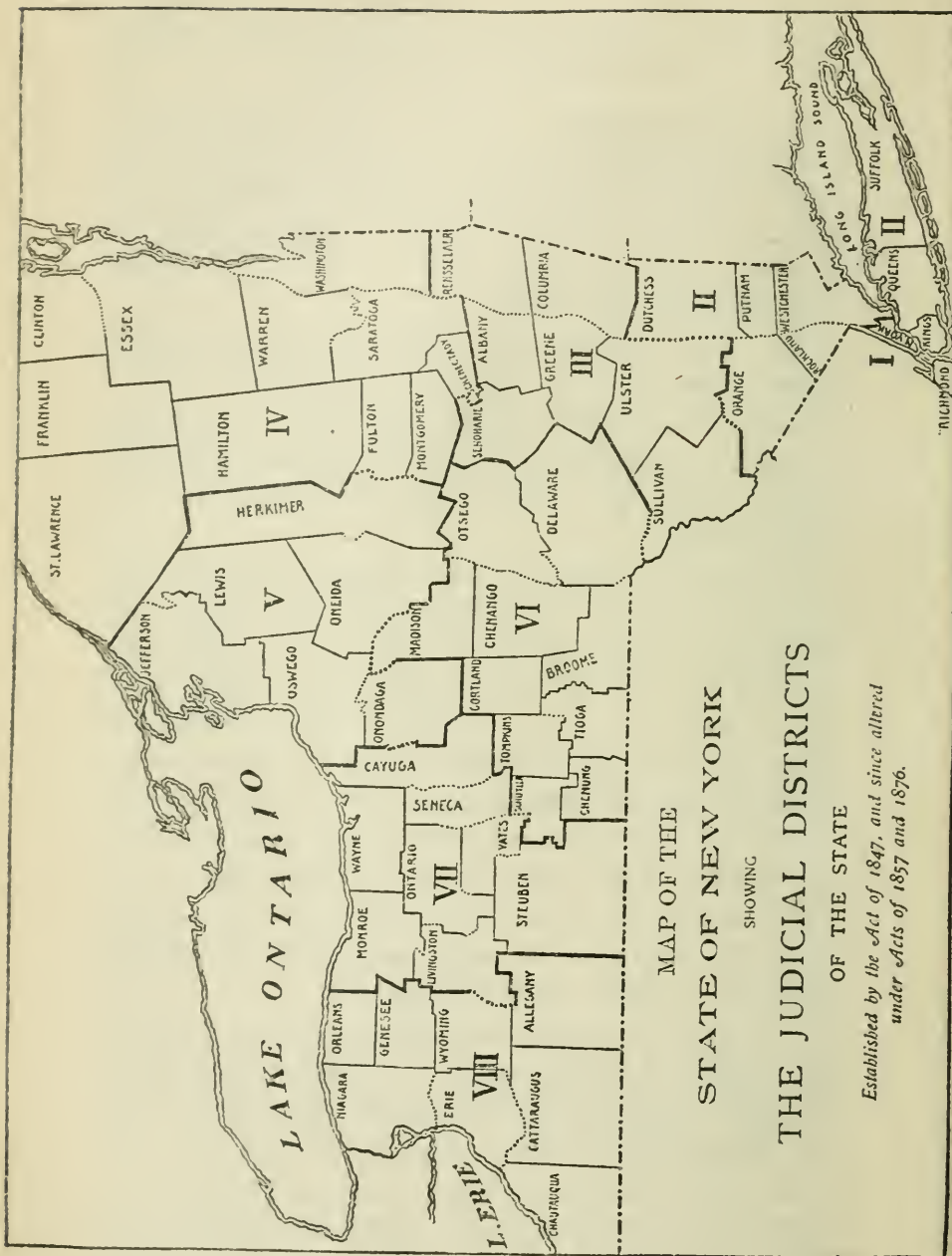
Supreme Court Judges could sit in Circuit Courts, and Circuit Court Judges in any circuit for the whole or part of a term. The clerk of the county was made the clerk of the circuit courts.

The Oyer and Terminers were organized and ordered to be held in each county of the State by the circuit judges, and in New York county four times a year, and the circuit judges presided over them and fixed time and place of holding them, and could hold them at the same time and place as the circuit court. Each justice of the Supreme Court, or any circuit judge in the State, could preside and hold any court of Oyer and Terminer, and the Governor had the power to order one at any time or place in any county, and commission it.

Any circuit judge in the State had authority by a warrant under his own hand, when the number of prisoners confined rendered it necessary to try the prisoners.

The salaries of Judges of the Supreme Court in 1828 was made \$2,000; in 1835, \$2,500 per annum, and in 1839, \$3,000. The act of 1835 abolished compensation to judges for travel and attendance as members of the Court of Errors.

In 1827 the salary of the circuit judges was \$1,250 per annum; in 1835, \$1,600. A list of the justices of the Supreme Court and of the Circuit judges under the Constitution of 1821 has been made heretofore.



NEW YORK SUPREME COURT UNDER THE CONSTITUTION OF 1846.

HISTORICAL SKETCH OF THE NEW YORK COURT OF APPEALS.

BY CLARK BELL, ESQ., LL. D., OF THE NEW YORK BAR.

The Court of Appeals was created by the Constitution adopted in 1846, and it effected an entire revolution in the judicial system of the State. Prior to the adoption of this Constitution, the judicial power and jurisdiction was exercised in the State of New York by the tribunals known as the "Court for the Trial of Impeachments and the Corrections of errors," the Court of Chancery, the Supreme Court and the class judicial officers created by the laws of 1828.

The judicial administration of the State, as organized under the first Constitution adopted at Albany, November 10, 1821, which was ratified by the people at the election of January 15th, 16th and 17th, 1822. Article V, of this Constitution, which defined the powers and duties of all judicial officers in the State, was as follows:

Article V, Section 1. The Court for the trial of Impeachments and the Correction of Errors, shall consist of the President of the Senate, the senators, the chancellor and the justices of the Supreme Court, or the major part of them; but when an impeachment shall be prosecuted against the Chancellor, or any justice of the Supreme Court, the person so impeached shall be suspended from exercising his office, until his acquittal; and when an appeal from a decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree, but shall have no voice in the final sentence; and when a writ of error shall be brought, on a judgment of the Supreme Court, the justices of that Court shall assign the reasons for their judgment, but shall not have a voice for its affirmance or reversal.

Section 2. The Assembly shall have the power of impeaching all civil officers of this State for malfeasance and corrupt conduct in office and for high crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. Before the trial of an impeachment, the members of the Court shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend farther than the removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under this State; but the party convicted shall be liable to indictment and punishment, according to law.

Section 3. The chancellor and justices of the Supreme Court shall hold their offices during good behavior, or until they shall attain the age of sixty years.

Section 4. The Supreme Court shall consist of a chief justice and two justices, any of whom may hold the Court.

Section 5. The State shall be divided, by law, into a convenient number of circuits, not less than four, nor exceeding eight, subject to alteration by the legislature from time to time, as the public good may require; for each of which a circuit judge shall be appointed, in the same manner, and hold his office by the same tenure as the justices of the Supreme Court, who shall possess the powers of a justice of the Supreme Court at Chambers, and in the trial of issues joined in the Supreme Court; and in Courts of Oyer and Terminer, and gaol delivery. And such equity powers may be vested in the said Circuit Judges, or in the County Courts, or in such other subordinate courts, as the legislature may by law direct, subject to the appellate jurisdiction of the chancellor.

Section 6. Judges of the County Courts, and recorders of cities, shall hold their offices for five years, but may be removed by the Senate on the recommendation of the Governor for causes to be stated in such recommendation.

Section 7. Neither the chancellor, nor justices of the Supreme Court, nor any Circuit Judge, shall hold any other office or public trust. All votes for any elective office given by the legislature or the people, for the chancellor, or a justice of the Supreme Court, or Circuit Judge, during his continuance in judicial office shall be void.

Vide 6th edition Banks & Bros'. Revised Statutes, edited by Geo. W. Cothran.

Section 7, of Article IV., of the Second Constitution, provided, "That the Governor shall nominate by message in writing, and with the consent of the Senate shall appoint all judicial officers except Justices of the Peace."

The Judiciary of the State had then been re-organized under a general law which provided for all the public officials of the State as found in I Revised Statutes of New York, (Edmond's Edition), Chapter V, Title I. Subdivision 3, of Section 1, defined the judicial officers, and Title IV, of this Act, defined their powers and duties.

I make abstracts from this Act to illustrate the changes resulting under the Constitution of 1846, from the previous procedure.

Section I, of Title I of the Act of 1828, which took effect January, 1830, provided as follows:

Section 1. There shall be elected or appointed, in the manner hereinafter declared or prescribed, the following civil officers, who shall be arranged in classes to be denominated legislative, executive, judicial and administrative; but this classification shall not be construed as defining the legal powers of the officers that shall be assigned to either class:

Subdivision 3. In the class of Judicial Officers.

A Chancellor, a register of the Court of Chancery, to reside and keep his office in the City of Albany; an assistant register of the same Court, to reside and keep his office in the City of New York.

A Clerk of the said Court, to reside and keep his office in the village of Poughkeepsie, and a clerk thereof, to reside and keep his office in the village of Utica.

A Sergeant of said Court, to reside in the City of Albany, and a sergeant thereof, to reside in the City of New York.

Five Masters and two Examiners in Chancery in the city and county of New York, and not more than three Masters and three Examiners in every other county of this State.

So many Commissioners to take affidavits to be read in the said Court, as the Chancellor shall, from time to time, think proper to appoint.

A Chief Justice and two Justices of the Supreme Court; three Clerks of the said Court, one to reside and keep his office in the city of Albany; one in the city of New York, and one in the village of Utica; and three criers of the said Court, one to reside in Albany, one in New York, and one in the County of Oneida.

A Commissioner to perform the duties of a justice of the Supreme Court at Chambers, to be denominated "Supreme Court Commissioner," to reside in each of the following counties and places: In the counties of Allegheny, Cattaraugus, Chautauque, Erie, Franklin, Genessee, Herkimer, Lewis, Madison, Niagara, Oneida, Ontario, Orange, St. Lawrence, Suffolk, Sullivan, Tompkin, Ulster and Westchester; one to reside either in the county of Tioga, or in the county of Steuben; in the town of Plattsburgh; in the county of Clinton; in the village of Catskill, in the county of Greene; in the village of Poughkeepsie, in the county of Dutchess; in the village of Watertown, in the county of Jefferson; in the village of Canajoharie, in the county of Montgomery; in the village of Glen's Falls, in the county of Warren; in the town of Klagsbury, in the county of Washington; and in the town of Whitehall, in the county of Washington.

Vide Laws of 1828, chap. 237, April 17, 1828; Laws of 1828, chap. 2, January 7, 1828; Laws of 1878, chap. 133, March 28, 1878; Laws of 1828, chap. 244, April 18, 1828.

A Clerk of the Court for the trial of Impeachments and the correction of Errors, a Crier, and a Sergeant of the same Court.

A Reporter of the decisions of the Supreme Court, and of the decisions of the Court for the trial of Impeachments and the Corrections of Errors, to be denominated the "State Reporter."

A Reporter of the decisions of the Court of Chancery, to be designated the "Chancery Reporter."

A Circuit Judge for each of the eight circuits and a clerk of the Court of Equity of each circuit.

A first judge and four judges of the county Courts of each county, except the city and county of New York, in which there shall be a first Judge of the Court of Common Pleas.

A Chief Justice and two Associate Judges of the Superior Court of law in and for the City and County of New York.

"Title IV of said Act was as follows:

Article I, Section 1. The Chancellor, the justices of the Supreme Court, and the Circuit Judges, the Judges of County Courts, the Recorders of cities, and Masters and Examiners in Chancery, are nominated by the Governor, and appointed by him, with the consent of the Senate. The Chief Justice and Associate Judges of the Superior Court of law, in and for the city and county of New York, shall be nominated and appointed in the same manner.

Laws of 1828, chap. 137, *ib.* chap. 321, Section 1.

Section 2. The Chancellor, the Justices of the Supreme Court and the Circuit Judges, hold their offices during good behavior, or until they respectively attain the age of sixty years; but may be removed by a joint resolution of the two houses of the legislature, if such resolution be concurred in by two-thirds of all the members elected to the Senate.

Section 3. Neither the Chancellor, nor a Justice of the Supreme Court, nor a Circuit Judge, can hold any other office or public trust; and all votes given to either of them, for any elective office, either by the legislature or the people, during his continuance in his judicial office, are void.

Section 4. Judges of County Courts, Recorders of cities, the first Judge of the Court of Common Pleas in the city and county of New York, the Chief Justice and Associate Judges of the Superior Court of law, in and for the city and county of New York, hold their offices for five years; but may be removed by the Senate, on the recommendation of the Governor, for causes to be stated in such recommendation.

Laws of 1828, chap. 321.

Section 5. If the office of the first Judge in any county shall become vacant, the Governor, in his nomination to the Senate of a person to supply such vacancy, shall designate him as first Judge of such county.

Section 6. Masters and Examiners in Chancery hold their offices for three years; but may be sooner removed by the Senate, on the recommendation of the Governor.

Section 7. No person shall be appointed a Master in Chancery, who shall not be, at the time of such appointment, of the degree of Counsellor of the Supreme Court, or of Solicitor or Counsellor in the Court of Chancery.

Section 8. No Master or Examiner in Chancery shall act as such, either in the Court of Chancery or in any of the equity courts of this State, in any cause or matter in which he shall be solicitor or counsel, or which shall be prosecuted, defended, or in any manner

managed or directed, by any Solicitor or Counsellor, with whom such Master or Examiner shall be directly or indirectly connected in business.

Laws of 1824, p. 38, Section 2;

Section 9. Surrogates, Supreme Court Commissioners. Commissioners of Deeds within the city and county of New York, and in the several cities of this State; Notaries Public, Justices of the Marine Court in the city of New York, Justices of the Justices' Court in the cities of Albany and Hudson, and all other Justices in cities, except those of whom the Constitution directs the mode of appointment, shall be nominated by the Governor, and appointed by him, with the consent of the Senate.

Laws of 1823, p. 62, Sections 7 and 8; *Ib.* p. 243, Section 1.

Section 11. No person shall be appointed a Supreme Court Commissioner, unless he be at the time a Counsellor at Law of the Supreme Court.

The Constitution adopted in 1846 revolutionized the three existing systems completely. Article VI., comprising twenty-five Sections, provided as follows:

Article VI., Section 1. The Assembly shall have the power of impeachment, by the vote of the majority of all the members elected. The Court for the trial of Impeachments, shall be composed of the President of the Senate, the Senators, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the Court. NO JUDICIAL OFFICER SHALL EXERCISE HIS OFFICE AFTER HE shall have been impeached, until he shall have been acquitted. Before the trial of an impeachment, the members of the Court shall take an oath or affirmation, truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

Section 2. There shall be a Court of Appeals, composed of eight judges, of whom four shall be elected by the electors of the State for eight years, and four selected from the class of Justices of the Supreme Court having the shortest time to serve. Provision shall be made by law, for designating one of the number elected, as Chief Judge, and for selecting such Justices of the Supreme Court, from time to time, and for so classifying these elected that one shall be elected every second year.

1 New York 17; 3 New York 547.

Section 3. There shall be a Supreme Court having general jurisdiction in law and equity.

21 B. 424; 2 New York 186; 13 New York 468.

Section 4. The State shall be divided into eight judicial districts, of which the city of New York shall be one; the others to be bound-

ed by county lines, and to be compact and equal in population as nearly as may be. There shall be four Justices of the Supreme Court in each district, and as many more in the district composed of the city of New York, as may from time to time be authorized by law, but not to exceed in the whole such number in proportion to its population. They shall be classified so that one of the Justices of each district shall go out of office at the end of every two years. After the expiration of their terms under such classification, the term of their office shall be eight years.

Section 5. The Legislature shall have the same powers to alter and regulate the jurisdiction and proceedings in law and equity as they have heretofore possessed.

17 New York 270.

Section 6. Provision may be made, by law, for designating from time to time, one or more of the said Justices, who is not a Judge of the Court of Appeals, to preside at the general terms of the said Court, to be held in the several districts. Any three or more of the said Justices, of whom one of the said Justices so designated shall always be one, may hold special terms, and Circuit Court. and any one of them may preside in Courts of Oyer and Terminer, in any county.

Section 7. The Judges of the Court of Appeals and Justices of the Supreme Court shall severally receive, at stated times, for their services, a compensation, to be established by law, which shall not be increased or diminished during their continuance in office.

15 B. 529.

Section 8. They shall not hold any other office or public trust. All votes for either of them for any elective office (except that of Justice of the Supreme Court, or Judge of the Court of Appeals), given by the Legislature, or the people, shall be void. They shall not exercise any power of appointment to public office. Any male citizen, of the age of twenty-one years, of good moral character, and who possesses the requisite qualifications of learning and ability, shall be entitled to admission to practice in all the Courts of this State.

7 H., 9p 2 D., 323; N. Y. 511; 3 B. 196.

Section 9. The classification of the Justices of the Supreme Court; the times and places of holding the terms of the Court of Appeals and of the general and special terms of the Supreme Court, within the several districts, and the Circuit Courts and Court of Oyer nad Terminer, within the several counties shall be provided by law.

Section 10. The testimony in equity cases shall be taken in like manner as in cases at law.

Section 11. Justices of the Supreme Court and Judges of the Court of Appeals may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to the Assembly, and a majority of all the members elected to the Senate, concur therein. All judicial officers, except those mentioned in this section, and except Justices of the Peace and judges and justices of inferior courts, not of record, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this Section, unless the party complained

of shall have been served with a copy of the complaint against him, and he shall have had an opportunity of being heard in his defence. On the question of removal, the ayes and nays shall be entered on the journals.

Section 12. The Judges of the Court of Appeals shall be elected by the electors of the State, and the Justices of the Supreme Court by the electors of the several judicial districts, at such times as may be prescribed by law.

Section 13. In case the office of any Judge of the Court of Appeals or Justice of the Supreme Court shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election of Judges, when it shall be filled by election for the residue of the unexpired term.

13 New York 350.

Section 14. There shall be elected in each of the counties of this State except the city and county of New York, one county judge, who shall hold his office for four years. He shall hold the County Court and perform the duties of the office of Surrogate. The County Court shall have such jurisdiction, in cases arising in Justices' Courts, and in special cases, as the legislature may prescribe, but shall have no original civil jurisdiction except in such special cases.

The County Judge, with two justices of the peace, to be designated according to law, may hold Courts of Sessions, with such criminal jurisdiction as the legislature may prescribe, and perform such other duties as may be required by law.

The County Judge shall receive an annual salary to be fixed by the Board of Supervisors, which shall be neither increased nor diminished during his continuance in office. The Justices of the Peace, for services in Courts of Sessions, shall be paid a per diem allowance out of the county treasury.

In counties having a population exceeding forty thousand, the legislature may provide for the election of a separate officer to perform the duties of the office of Surrogate.

The Legislature may confer equity jurisdiction in special cases upon the County Judge.

Inferior local courts of civil and criminal jurisdiction, may be established by the Legislature in cities; and such courts, except for the cities of New York and Buffalo, shall have a uniform organization and jurisdiction in such cities.

4 N. Y. 581; 6 N. Y. 176; 12 N. Y. 593; 15 N. Y. 297; 16 N. Y. 80; 17 N. Y. 316; 18 N. Y. 126; 19 N. Y. 245.

Section 15. The Legislature may, on application of the Board of Supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in cases of their inability, or of a vacancy, and to exercise such other powers in special cases as may be provided by law.

Section 16. The Legislature may re-organize the judicial districts at the first session, after return of every enumeration under this Constitution, in the manner provided for in the fourth section of this article, and at no other time; and they may at such session increase or diminish the number of districts; but such increase or diminution shall not be more than one district at any one time. Each district shall have four justices of the Supreme Court; but no

diminution of the districts shall have the effect to remove a judge from office.

Section 17. The electors of the several towns shall, at their annual town meeting, and in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace and Judges, or Justices of inferior courts, not of record, and their clerks, may be removed after due notice, and an opportunity of being heard in their defence, by such county, city or State Courts as may be prescribed by law, for causes to be assigned in the order of removal.

17 New York 370.

Section 18. All judicial officers of cities and villages, and all such judicial officers as may be created therein by law, shall be elected at such times and in such manner as the legislature may direct.

Section 19. Clerks of the several counties of this State shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. A clerk of the Court of Appeals, to be ex-officio clerk of the Supreme Court, and to keep his office at the seat of Government, shall be chosen by the electors of the State; he shall hold his office for three years, and his compensation shall be fixed by law and paid out of the public treasury.

Section 20. No judicial officer, except Justices of the Peace, shall receive, to his own use, any fees or perquisites of office.

Section 21. The Legislature may authorize the judgments decrees and decisions of any local inferior court of record, of original civil jurisdiction, established in a city, to be removed, for review, directly into the Court of Appeals.

Section 22. The legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient. And all laws and judicial decisions shall be free for publication by any person.

Section 23. Tribunals of conciliation may be established with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference and agree to abide the judgment, or assent thereto, in the presence of such tribunal, in such cases as shall be prescribed by law.

Section 24. The legislature, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, reform, simplify and abridge the rules of practice, pleadings forms and proceedings of the courts of record of this State, and to report thereon to the legislature, subject to their adoption and modification from time to time.

Section 25. The Legislature, at its first session after the adoption of this Constitution, shall provide for the organization of the Court of Appeals, and for transferring to it the business pending in the Court for the correction of errors, and for the allowance of writs of error and appeals to the Court of Appeals, from the judg-

ments and decrees of the present Court of Chancery and Supreme Court, and of the courts that may be organized under this Constitution.

LIST OF THE JUDGES COMPOSING IT UNDER THE CONSTITUTION OF 1846.

Freeborn G. Jewitt, Skaneateles, June 7, 1847. (2 years.)
 Greene C. Bronson, New York City, June 7, 1847. (4 years.)
 Charles H. Ruggles, Poughkeepsie, June 7, 1847. (6 years.)
 Addison Gardner, Rochester, June 7, 1847. (8 years.)
 Freeborn G. Jewitt, Skaneateles, Nov. 6 1849.
 (1) Samuel A. Foote, Geneva, April 11, 1851.
 Alexander S. Johnson, Utica, November 4, 1851.
 Charles H. Ruggles, Poughkeepsie, Nov 8, 1853.
 (2) Hiram Denio, Utica, June 23, 1853.
 (3) George F. Comstock, Syracuse, November 6 1855.
 Samuel L. Selden, Rochester, Nov. 6, 1855.
 Hiram Denio, Utica, Nov. 3, 1857.
 Henry E. Davies, New York City, Nov. 8, 1858.
 Wm. B. Wright, Monticello, Nov. 5, 1861.
 (4) Henry R. Selden, Rochester, July 1, 1862.
 (5) John K. Porter, Albany, January 2. 1865.
 Ward Hunt, Utica, November 7, 1865
 Martin Grover, Angelica, November 5, 1867.
 (6) Lewis B. Woodruff, New York City, January 4, 1868.
 (7) Charles Mason, Hamilton, January 20, 1868.
 Robert Earl, Herkimer, November 2 1869.
 John A. Lott, Brooklyn, November 2, 1869.

1 Appointed by Governor in place of Bronson resigned

2 Appointed by Governor in place of Jewell resigned, to fill vacancy; elected in 1853. for remainder of term and re-elected November, 1857, for full term.

3 Elected in place of Ruggles resigned.

4 Appointed by Governor in place of S. L. Selden resigned; elected November 3, 1863, for full term.

5 Appointed by Governor in place of A. R. Selden resigned; elected November 7, 1865, for full term.

6 Appointed by Governor in place of Porter resigned.

7 Appointed by Governor in place of Wright deceased.

JUDGES OF THE COURT OF APPEALS UNDER THE CONSTI- TUTIONAL AMENDMENT OF 1869.

CHIEF JUSTICES.

Sanford E. Church, Albion, May 17, 1870.
 (1) Charles G. Folger, Geneva, May 20, 1880.
 (2) Charles Andrews, Syracuse, November 19, 1881.
 William C. Ruger, Syracuse, November 7 1882.
 Robert Earl, Herkimer, January 25, 1892.
 Charles Andrews, Syracuse, November 7, 1892.
 (3) Alton B. Parker, Kingston, November 2, 1897.

ASSOCIATE JUSTICES.

Wm. F. Allen, Oswego, May 17, 1870.
 Martin Grover, Angelica May 17, 1870.
 Rufus W. Peckham, Albany, May 17, 1870.
 Charles J. Folger, Geneva, May 17, 1870.

1 Appointer in place of Church deceased; elected November 2, 1880.

2 Appointed by Governor in place of Folger resigned.

3 Appointed by Governor in place of Peckham deceased.

Charles A. Rapallo, New York City, May 17, 1870.

Charles Andrews, Syracuse, May 17, 1870.

(3) Alexander S. Johnson, Utica, Dec. 29, 1873.

Theodore Miller, Hudson, Nov. 3, 1874.

(4) Robert Earl, Herkimer, Nov. 5, 1875.

(5) Samuel Hand, Albany, June 10, 1878.

George F. Danforth, Rochester, Nov. 5, 1878.

(6) Francis M. Finch, Ithaca, May 25, 1880.

Charles L. Benedict, Nov. 19, 1881.

(7) Benjamin F. Tracy, Brooklyn, Dec. 8, 1881.

Rufus W. Peckham, Albany, Nov. 2, 1886.

(8) John Clinton Gray, New York City, January 25, 1888.

Dennis O. Bryan, Watertown, Nov. 5, 1889.

Albert Haight, Buffalo, Nov. 6, 1891.

(9) Isaac H. Maynard, Stamford, January 20, 1892.

Edward T. Bartlett, New York City, Nov. 7, 1893.

Celora E. Martin, Binghamton,

(10) Irving G. Vann, Syracuse.

Denis O'Brien, Watertown, December, 5, 1889.

Isaac H. Maynard,* Stamford, January 20, 1892.

Edward T. Bartlett, New York, November 7, 1893.

Albert Haight, Buffalo, November 6, 1894.

Appointed by Governor in place of Grover deceased; elected November 7, 1876; re-elected November 4, 1890.

5 Appointed by Governor in place of Allen deceased.

6 Appointed by Governor in place of Folger chosen Chief Justice; elected November 8, 1881.

7 Appointed by Governor in place of Andrews appointed Chief Justice.

8 Appointed by Governor in place of Rapallo deceased; elected for full term in November, 1888.

9 Appointed by Governor in place of Earl appointed Chief Justice.

10 Appointed by Governor in place of Rufus W. Peckham resigned.

JUDGES COURT OF APPEALS UNDER CONSTITUTION OF 1894. THE PRESENT BENCH.

Alton B. Parker, Kingston, N. Y., term expires December 31, 1911.

John Clinton Gray, New York City, term expires Dec. 31, 1913.

Denis O'Brien, Watertown, term expires December 31, 1903.

Edward T. Bartlett, term expires December 31, 1908.

Albert Haight, Buffalo, term expires December 31, 1909.

Celora E. Martin, Binghamton, term expires December 31, 1909.

(1) Irving F. Vann, Syracuse, term expires December 31, 1901.

(1) Appointed by Governor in place of Rufus W. Peckham, resigned.

SUPREME COURT JUDGES DESIGNATED BY THE GOVERNOR TO SET IN COURT OF APPEALS.

Edgar M. Cullen, Brooklyn, December 31, 1908.

Wm. E. Werner, Rochester, December 31, 1904.

The Court of Appeals, as originally organized under the Constitution of 1846, was composed of eight judges, four of whom were chosen from the State at large by ballot for the term of eight years, and this was the first time that the judges of this Court were chosen by the people.

The other four judges were elected from the class of justices of the Supreme Court having the shortest time to serve. The judges elected by the people were so classified that an election occurred every odd year. The four judges selected from the Supreme Court were taken each even year from the first, third, fifth and seventh districts; and each odd year from the second, fourth, sixth and eighth districts.

Under this provision each Supreme Court judge by rotation, served the last year of his term in the Court of Appeals.

The Judge elected by the State at large having the shortest term to serve acted as Chief Justice.

The Clerk of the Court was chosen by the people, and its Reporter was appointed by the Governor, Lieutenant Governor and Attorney General for three years.

The Constitution of 1846 established an elective judiciary. The leading issue in the Constitution of 1846 was to remedy the danger of abuse of the vast patronage in the hands of the Governor by way of appointments.

The public voice demanded a constitution that went strongly in the other direction, and that should make nearly all important offices elective.

The election for the Convention was held November 4, 1845, resulting for Convention, 213,257, against only 33,860.

The Convention reported the Constitution October 9, 1846, and it as voted on November 3, 1846, and the vote 221,521 for, and only 92,436 against it.

An attempt was made in 1865 to amend the Constitution to authorize Commissioners of Appeals, but it was rejected by the people 81,532 against, to 56,486 in favor.

CONSTITUTION OF 1867-68.

A constitutional convention was held in 1867 and 1868. It met in Albany, June 4, 1867, and adjourned to February 28, 1868. It submitted an amendment to the Constitution, and it submitted as Article VI of this Constitution, an amendment called "A Judiciary Article," which was framed by del-

legates elected April 23, 1867, (Chapter 194, Laws of 1867), to a constitutional convention pursuant to Section 2, Article 13, of the then existing Constitution. By a vote of the people on November 6, 1866, this amended Article VI, relating to the judiciary was submitted to a vote of the people separately from the remainder of the amended constitution, pursuant to Chapter 318, Laws of 1869, and was ratified November 2, 1869. The amendments to Article VI, of the Constitution, as thus amended, continued the Supreme Court as it then existed, both in law and equity, and composed of the justices of that Court then in office, during the remainder of their official terms and of their successors. The eight existing judicial districts were continued as then established, until they should be changed by the Legislature pursuant to law. Five of the justices of the Supreme Court were required to reside in the First Judicial district, in the City of New York; and four in each of the other districts. It was directed that provision should be made by the Legislature from time to time, but not oftener than once in five years, for organizing in the Supreme Court, not more than four General Terms, each to be composed of a presiding justice, and not more than three other justices, to be designated according to law, from the whole number of justices, and provision was also to be made by law for holding the General Terms in each judicial district. Vacancies in the office of the justices to be filled for a full term at the next General election happening not less than three months after the same shall occur. This judiciary article also provided that the justices of the Supreme Court might be removed by a concurrent resolution of both houses of the legislature, provided two-thirds of all the members elected thereto concurred therein, after charges had been made and the accused been given an opportunity to be heard thereon.

It authorized and empowered the Legislature, and provided for detailing judges of the Superior Court and Common Pleas of New York to hold circuits and special terms in that

city, if the public interests may require it, provided that the justices of the Supreme Court should be chosen by the electors of their respective districts. Their official terms to be 14 years, and provided that no person could hold the office longer than until the last day of December next, after he shall have reached the age of 70 years, and provided, that the said justices should receive compensation, to be established by law, which should not be dismissed during their official term, and to be paid by the State Treasurer. An amendment to this constitution was adopted November 4, 1879, which authorized the election of an additional Justice of the Supreme Court, who, at this time, except those of the first and second received \$6,000 per annum, payable quarterly, and in addition an allowance of \$5.00 per day for expenses, when absent from home and engaged in judicial duties, and except in the first and second judicial districts, where the compensation of justices was fixed by special legislation under the provision of the Constitution.

By an Act of April 27, 1870 (Chapter 408), the General Terms as they were then organized under the provisions of the Constitution before named, were abrogated, and from and after May 1, 1870, due provision was made for re-organization thereof. The State was divided into four Departments, and the times and places of holding the General Terms therein for the first year were fixed. The Act required the Governor immediately after its passage and thereafter from time to time as vacancies occurred, to designate from the whole Bench of Justices of the Supreme Court, a presiding justice and two associate justices for each Department to compose the General Term therein. The presiding justice to act as such during his official term, and the associate justices for five years after their designation, the associate justices thus named should be competent to sit in the General Term of any Department of the State. The resident justices in each department were required, from time to time, to appoint the times and places for holding Special

Terms, Circuit Courts and Courts of Oyer and Terminer, within their departments, for the succeeding two years, to prevent the failure of any Special Term, Circuit Court or Court of Oyer and Terminer by reason of the absence of the justices assigned thereto, it empowered the Governor to designate some other justices to hold such Court.

Under the terms and provisions of this Act, Governor Hoffman, who was then Governor of the State, on May 25, 1870, made the designations for the General Term, in pursuance to the provisions of this Act, for the whole State.

On June 2, 1876, an Act was passed entitled "The Code of Remedial Justice," as amended June 5, 1877, and entitled "The Code of Civil Procedure." The General Term justices of the Supreme Court and the Chief Judges of the Superior City Courts were required to meet in convention on the first Wednesday in October, 1877, and every two years thereafter, and establish revised general rules of practice for all Courts of record of the State, except the Court for trials of impeachment and the Court of Appeals, and the justices in each department were required to designate the times and places of holding General Terms therein.

An Act was passed by the Legislature of the State of 1882, directing the submitting to the people the question of amending the Constitution so as to provide for organizing the Supreme Court, not more than five General Terms, and for the election of two additional judges thereof, in the first, fifth, seventh and eighth judicial districts, and one additional justice in the second, third, fourth and sixth judicial districts. The justices so elected to be invested with their office on the first Monday in June, 1884. These amendments were adopted at the election held on November 11, 1882, and by the Laws of 1883, Chap. 329, the State was divided into five judicial departments, and provision was made for the election of the twelve additional justices thereto.

The General Term justices were authorized to appoint by a convention, a reporter of the decisions of the Supreme

Court, whose term of office should be five years, and until his successor was appointed and qualified, and he was required to report and publish such of the decisions of the General Terms as he deemed for the public interest to have reported; not more than three volumes of his reports to be published in any one year, and he was required to keep them on sale in this State at not exceeding \$2.50 per volume, of not less than 700 pages, and he was not entitled to other salary.

THE CONSTITUTION OF 1869.

The Constitutional Convention of 1867-8 framed a new judiciary act, which was submitted to the people and ratified by them in November, 1869, and it is known as the Constitution of 1869.

It re-constructed and re-organized the Court of Appeals as it had existed prior to that instrument.

By this instrument the Court of Appeals was composed of a Chief Judge and six Associate Judges, who were to be elected by the people; to hold their offices for fourteen years, from and including the first day of January after their election, which was the year 1871, and the first justices were to be elected, and were elected at a special election held in 1870.

At the first election each voter cast his ballot for a Chief Judge and four only of the Associate Justices.

The Court was clothed with full power to correct or reverse the decision of the Supreme Court.

Five Judges constituted a quorum, and four must concur to pronounce a judgment. If four did not concur, the case must be re-heard, but no more than two re-hearings can be had and decision affirmed, unless four judges concur. The instrument authorized the Legislature to enact that the judgments, decrees and decisions of any local court of record, established in a city having original civil jurisdiction, to be removed for review directly into the Court of Appeals.

It fixed the salary of the Chief Judge of the Court of Appeals at \$10,500, and of the Associate Judges at \$10,000.

The Court appointed its own Clerk during its pleasure, who gave bonds in penalty of \$25,000 for the faithful performance of his duties. His salary is \$5,000, and he had the right to appoint his own deputy. The Court appointed its own reporter.

The history of this action is that the people voted at the election of 1866 in favor of holding the proposed Constitutional Convention to revise and amend or to make a new one, the ballot stood for 352,854 against 256,364.

The Convention met June 4, 1867, and finished its work Feb. 28, 1868. Legislative opposition developed and it was not submitted to the people until November, 1869.

It was then voted upon in four propositions:

1. The Constitution as a whole.
2. The Judiciary Article.
3. An article on assessment and taxation, and fourth, an article as to abolition of properly qualification of colored voters.

All the articles were defeated at the polls except the judiciary article, which was adopted for 247,240, against 240,442.

A provision was adopted by vote of the people relating to a Commission of Appeals by a vote of 176,038 for and 91,196 against, which will be considered later.

On November 4, 1873, the people voted against a proposed amendment for appointment of Judges for Court of Appeals and Supreme Court by a vote of 319,979 against to 115,337 for, and at the same election against a similar provision of appointment of County Judges and certain City Courts, 319,660 against, to 110,725 for.

On November 4, 1879, the people voted for the proposed amendment of Section 6 of Article IV of the Judiciary Act, by vote of 95,331 in favor, to 25,578 against, and on November 2, 1880, to amend sections 12 and 13, of Article VI, as follows: 271,903 for, to 111,225 against; and on November 7, 1882, for an amendment to Article VI. by vote of 248,784 for, to 75,644 against.

On November 2, 1886, the vote for a convention was 574,993 for, to 30,766 against; and on November 6, 1888, for the proposed amendments to Section 6, Article VI., the vote was 998,114 for, and 55,822 against.

The vote for the revised Constitution of Nov. 6, 1894, was 410,097 for, to 327,402 against.

The details of these acts and votes appear elsewhere in this work, and the Constitution of 1884, as relating to the Supreme Court and Court of Appeals, appears at length in this work.

NEW YORK COURT OF APPEALS.

FROM JULY 1847 TO JULY 1870.

Term 8 Years.

Judges of the Court of Appeals elected under the Constitution of 1846:

- *Freeborn G. Jewett, elected June 7, 1846, served to June, 1853.
- *Greene C. Bronson, elected June 7, 1846, served to April, 1851.
- *Charles H. Ruggles, elected June 7, 1846, served to Dec., 1855.
- *Addison Gardiner, elected June 7, 1846, served to Dec., 1855.
- Samuel A. Foote, appointed April 11, 1851, served to Dec., 1851.
- *Alex. S. Johnson, elected Nov. 4, 1851, served to Dec., 1859.
- *Hiram Denio, appointed June 23, 1853, served to Dec., 1865.
- *Samuel L. Selden, elected Nov. 6, 1855, served to July, 1862.
- *George F. Comstock, elected Nov. 6, 1855, served to Dec., 1861.
- *Henry E. Davies, elected Nov. 8, 1859, served to December, 1867.
- *William B. Wright, elected Nov. 5, 1861, served to January, 1868.
- H. R. Selden, appointed July 1, 1862, served to December, 1864.
- James K. Porter, appointed January 2, 1865, served to Dec., 1867.
- *Ward Hunt, elected Nov. 7., 1865, served to July, 1870.
- Martin Grover, elected Nov. 5, 1867, served to July, 1870.
- Lewis B. Woodruff, appointed Jan. 4, 1868, served to Dec., 1869.
- *Robert Earl, elected Nov. 2, 1869, served to July, 1870.
- John A. Lott, elected Nov. 2, 1869, served to July, 1870.

FROM JULY 1, 1870, TO DECEMBER, 1902.

Full Term 14 Years.

Judges of the Court of Appeals elected under the Constitutional Amendment of 1869:

CHIEF JUDGES.

Sanford E. Church, elected May 5, 1870, died May 13, 1880. Served as Chief Judge nearly ten years, from July 1, 1870, to May 13, 1880.

Charles J. Folger, appointed Chief Judge May 20, 1880, in place of Church; elected Chief Judge in November, 1880. Resigned Nov. 14, 1881, having been appointed Secretary of the United States Treasury.

Charles Andrews, appointed Chief Judge Nov. 19, 1881, in place of Folger, and served to end of year 1882; elected Chief Judge Nov. 8, 1892; served to Dec. 31, 1897, when he retired on account of age limit.

William C. Ruger, elected Nov. 7, 1882, served to date of death, January, 1892.

Robert Earl, appointed January 19, 1892, in place of Ruger, and served to December 31, 1892.

Alton B. Parker, elected Nov. 2, 1897, for 14 years; still serving.

*Acted as Chief Judge.

During this period 93 Judges of the Supreme Court sat one year each in the Court of Appeals under Section 2, Article 6, Constitution of 1846.

ASSOCIATE JUDGES.

Term 14 Years.

Wm. F. Allen, elected May, 17, 1870, died in service, June 3, 1878.

Martin Grover, elected May 17, 1870, died in service, Aug. 23, 1875.

Rufus W. Peckham, elected May 17, 1870, died in service, Nov. 22, 1873.

Charles A. Rapallo, elected May 17, 1870, died in service, December 28, 1887.

Charles J. Folger, elected May 17, 1870, elected Chief Judge, Nov. 1880.

Charles Andrews, elected May 17, 1870, elected Chief Judge, Nov. 8, 1892.

Alexander S. Johnson, appointed Dec. 29, 1873, served to December 31, 1874.

Theodore Miller, elected Nov. 3, 1874, served to Jan. 1, 1887.

Robert Earl, appointed Nov. 5, 1875, elected Nov. 7, 1876, and re-elected Nov. 4, 1890, served to December 31, 1894.

Samuel Hand, appointed June 11, 1878, served to Dec. 31, 1878.

George F. Danforth, elected Nov. 5, 1878, served to Dec. 31, 1889.

Francis M. Finch, appointed May 25, 1880, elected Nov. 8, 1881, served to December 31, 1895.

Benjamin F. Tracy, appointed Dec. 8, 1881, served to Dec. 31, 1882.

Rufus W. Peckham, elected Nov. 2, 1886, served to Dec. 31, 1895; resigned on being appointed Justice of the Supreme Court of the United States.

John Clinton Gray, appointed January 25, 1888; elected for full term in November, 1888; still serving.

Denis O'Brien, elected Nov. 5, 1889; still serving.

Isaac H. Maynard, appointed Jan. 19, 1892; served to Dec. 31, 1893.

Edward T. Bartlett, elected Nov. 7, 1893; still serving.

Albert Haight, elected Nov. 6, 1894; still serving.

Celora E. Martin, elected Nov. 6, 1895; still serving.

Irving G. Vann, appointed Dec. 31, 1895; elected for a full term Nov. 3, 1896; still serving.

John Clinton Gray, elected for full term Nov., 1902; still serving.

Supreme Court Judges appointed to serve as Associate Judges of Court of Appeals, pursuant to Section 7 of Article 6, of the Constitution.

Judson S. Landon, appointed Jan. 1, 1900, to Dec. 31, 1901.

Edgar N. Cullen, appointed Jan. 1, 1900; now sitting.

William E. Werner, appointed Jan. 1, 1900; now sitting.

COMMISSION OF APPEALS.

Under Constitutional Amendment of 1869.

John A. Lott, Chief Commissioner, qualified July 5, 1870; served to July 1, 1875.

Hiram Gray, Associate Commissioner, qualified January 12, 1871; served to July 1, 1875.

William H. Leonard, Associate Commissioner, qualified July 5, 1870; served to May 9, 1872.

Robert Earl, Associate Commissioner, qualified July 5, 1870; served to July 1, 1875.

Ward Hunt, Associate Commissioner, qualified July 5, 1870; served to December 31, 1872.

Alex. S. Johnson, Associate Commissioner, qualified Jan. 7, 1873; served to December 31, 1873.

John H. Reynolds, Associate Commissioner, qualified January 10, 1873; served to July 1, 1875.

Theodore W. Dwight, Associate Commissioner, January 7, 1874; served to July 1, 1875.

COURT OF APPEALS—SECOND DIVISION.

Under Constitutional Amendment of 1888.

David L. Follett, Chief Judge, appointed January 21, 1889; served to October 1, 1892.

ASSOCIATE JUDGES.

Charles F. Brown, appointed Jan. 21, 1889; served to Oct. 1, 1892.

Alton B. Parker, appointed Jan. 21, 1889; served to Oct. 1, 1892.

Joseph Potter, appointed Jan. 21, 1889; served to Oct. 1, 1892.

Irving G. Vann, appointed Jan. 21, 1889; served to Oct. 1, 1892.

George B. Bradley, appointed Jan. 21, 1889; served to Oct. 1, 1892.

Albert Haight, appointed Jan. 21, 1889; served to Oct. 1, 1892.

Charles Andrews, Associate and Chief Judge of the Court of Appeals, served continuously from July 1, 1870, to Dec. 31, 1897—a period of 26 years and 6 months, the longest in service of any Judge elected to the Court of Appeals.

Robert Earl, Associate and Chief Judge of the Court of Appeals; served the second longest period, namely: January 1, 1870, to July 1, 1875, and from Nov. 5, 1875, to December 31, 1894; a total of 24 years, 7 months and 26 days.

NOTE.—This data was furnished by the courtesy of Hon. Jno. T. McDonough, Ex-Secretary of State.

[*To be continued.*]

SOCIOLOGICAL.

THE LIMITATION OF THE VENEREAL DISEASES.

BY DENSLOW LEWIS, M. D., OF CHICAGO.

The universal prevalence of the venereal diseases is acknowledged. Their disastrous and far-reaching effects are recognized and well-understood. Their importance, as an etiologic factor, in surgical pathology, is admitted. As a factor in determining morbidity and mortality they play a leading role, and as a disturbing element in our social relations they easily take front rank.

Why is it that consistent prophylaxis of these diseases is so seldom considered? Why is it, in a discussion of their limitation, that so little of practical value is evolved? It is because the venereal diseases usually result from the performance of the sexual act outside of wedlock. It is because a maudlin sentimentality and false modesty prevent the scientific consideration of the most important of human functions. It is because we will not—perhaps some of us dare not—look the facts in the face, and because we do not proceed to the study of these diseases in a straightforward and definite manner as we try to do when other diseases are investigated. If we admit that the sexual act is ever performed except between husband and wife, it is asserted that we sanction an illicit relationship. If we acknowledge that a young man acquires a venereal disease from a prostitute, it is claimed that we recognize prostitution.

If we note the existence of the sexual instinct in the adolescent it is said to be nasty and obscene. If we attempt, even in this association, to consider anything pertaining to

Presented to the Section on Hygiene and Sanitary Science, at the Fifty second Annual meeting of the American Medical Association, held at St. Paul, Minn., June 4 to 7, 1901.

sex relationship, some one will remark that the discussion of the subject is attended with filth and we besmirch ourselves by discussing it in public.

I brush aside all puerile objections of this character as unworthy the intelligence of the twentieth century practitioner. I conceive of no higher duty, nor is there in, my judgment, a more sacred privilege than the opportunity to do a little something towards the prevention of these loathsome and dangerous diseases. This can be accomplished only by a systematic consideration of their etiology, a common sense exposition of the sociologic conditions responsible for their existence, and a frank and honest statement regarding the great determining cause which is the instinct which dictates the perpetuation of the species. Moreover, facts must be admitted. It is folly to deny the existence of conditions simply because we object to them. No good can come of any reasoning unless we start from true premises.

With the awakening of the sexual instinct at puberty, or before, the attention of the child is directed to the external genitals. If ignorant of the significance of the new sensation experienced, the child will notice its pleasurable nature and masturbation will often result. Not infrequently sexual relationship will be established with another child, or with a servant of the family, and the result may be an attack of gonorrhea. Prophylaxis here is favored by the removal of all sources of irritation which predispose to congestion of the parts. The genitals should be kept clean. The general health should receive attention, constipation should be overcome, and the instability of the nervous system incident to puberty should be controlled. In the male, circumcision should be performed unless the prepuce is already retracted, so that the glans penis is exposed. Retained smegma is a well-known source of irritation, and the hardening of the mucous membrane of the glans incident to its exposure is itself a prophylactic measure of no little importance, even in the presence of venereal disease. In the female, impacted secretion around the clitoris or adhesions of its prepuce, may cause an irritation which is easily relieved by a simple surgical procedure. These means are of value in relieving an unnecessary and unusual irritation which abnormally directs attention to the sexual organs and may predispose to masturbation and premature sexual intercourse.

As the child grows older—more especially the male—the dominating influence of the sexual instinct asserts itself more and more. In spite of the removal of all possible sources of irritation, regardless of religious training, the application to study or indulgence in athletics, the sexual instinct makes itself manifest in an imperious manner, and the impulse to the performance of its function becomes at times well-nigh irresistible.

What should be done here? My friend, Dr. Howard A. Kelly, says the child follows the immediate impulse and for that reason we should tell him nothing about sex relationship. He said, at the Atlantic City meeting of this Association, that he had four boys and one girl, and he asked me if he should tell them about sexual matters to preserve their virtue and save them from venereal disease.

I assert without hesitation, and after mature consideration and observation for more than twenty years, that a father is false to his trust if he does not warn his children against the dangers that beset them. He is their protector. They look to him for counsel and advice. Too often the father is himself ignorant and careless; engrossed in the struggle for existence, he may forget the needs of his children and overlook the possibility of danger. When the father is a medical man such neglect becomes criminal. He knows the power of the sexual instinct. He knows, as has been well said, that "all the love and solicitude parental yearning can bestow, all that the most refined religious influences can offer, all that the most cultivated associations can accomplish, may be obliterated, in one fateful moment, in presence of an overwhelming libido.

For this reason, as an effective means of limiting venereal diseases by restricting premature and extra-marital intercourse, I believe in the advisability of telling children the truth. When, in the springtime, the child finds the first dandelion and brings it exultantly to lay in its mother's lap, the occasion can be utilized to call attention to the flower's structure. It is indeed a thing of beauty, this harbinger of the earth's awakening after its winter's sleep. It is in itself a little world of flowers, each one a perfect entity. Here is the pistil holding an egg or ovule. Here are the stamens, and at the extremity of each is the anther, filled with the

powdery pollen. Under the influence of the sun the flower grows and the pollen falls upon the pistil and finds its way to the ovule within. The result is a seed—the stored up potentiality of another dandelion. The achenium is to protect the seed. While it is forming the inner involucre closes and the slender beak elongates and raises up the feathery pappus. When the seed is fully formed, the whole involucre is reflexed and the naked fruits are exposed with the pappus displayed in an open globular head, so that the wind can transport each seed to lie dormant in suitable soil until another springtime's sun shall awaken it to activity and the production of another flower.

When the child sees the little yellow chickens breaking through the shell of the egg, it may be pointed out that here also, as in the case of the yellow dandelion, is again a reproduction of life from an egg. Without complicating detail, it may be asserted that the cock is the analogue of the stamen in the flower, that the egg becomes fertilized while yet in the body of the hen, only at such time as the season will permit the development of the chick under favorable conditions.

As the girl approaches puberty she should be taught some knowledge of the reproduction of the species. It can be said that she is yet a child incapable, on account of her youth, of perpetuating the race. She should know, that like the flower and the female of all higher animals, she also, in adult life, produces an egg, which, when fertilized, becomes a human being like herself. She should be told that menstruation is the preparation of her body for the performance, when she is older and is married, of this sacred and important act. She should understand that hemorrhage from her genitals is to be expected, and that, unlike hemorrhage from any other portion of her body, the loss of blood here is not dangerous but salutary. She should be instructed in the care of her body during menstruation. She should realize that she is no longer a child but a woman, and that it is right for her to care for herself during the menstrual epoch, not only because it ensures good health, but also because by so doing she prepares herself for the fulfilment, in adult life, of the supreme duty incident to motherhood and the perpetuation of the species.

As the boy approaches puberty he should be told that the sensations he experiences indicate that he is becoming a man,

capable of procreating other men. He should understand fully the functions of the organs in the sexual act, and that nocturnal emissions are an evidence that the fertilizing seed—like the pollen of the dandelion—is now capable of impregnating its fellow of the opposite sex. The prodigality of nature should be explained to him so that he may understand what ample provision is made for the perpetuation of the species. He should be taught the physiology of reproduction, and he should know that the sexual act is the means by which a human being is called into existence,—the holiest and most sacred act he is capable of performing. With this knowledge he will realize that emissions are neither unnatural nor injurious. He will appreciate the dignity of virility. He will recognize the importance of keeping himself uninjured by masturbation and uncontaminated by any premature or indiscreet act that in adult life may interfere with his assumption of the parental function.

When the boy becomes a youth I believe certain conditions of our society should be told him. He should know that the sexual instinct is usually more imperative in its demands in the male than in the female. He should understand regarding prostitution and the venereal diseases. I heard Dr. Joseph Price say, at our Denver meeting, that the dangers of gonorrhea should be taught in the Sunday school. I believe it is helpful and only just for the youth to know the truth. I favor telling him that the purpose of the sexual act is procreation, that it is designed to result in reproduction; that civilization and religion impose suitable restrictions to preserve the sancity of the home, and to provide care and protection, under the marriage contract, for the newborn, who are powerless to care for themselves. His honor should be appealed to, his sense of justice should be invoked, all possible means should be resorted to in order to induce him to learn the control of his sexual appetite. He should know that girls are too often ignorant of the significance of the sexual act, and that poverty and a desire for sympathy and companionship may induce them to submit. He should realize that as an American citizen he should be a man of honor, the protector of the weak, the innocent and the distressed. The facts should be brought home to him so that he may understand the possibilities in case his own sister were subjected, under similar conditions, to the same tempta-

tion. The eventualities should also be pointed out. He should know regarding the probability of pregnancy, the danger of criminal abortion and the likelihood of disgrace.

Regarding prostitution he should realize that it could not exist unless there was a demand for it. He should know that if all men were honorable, if all men were educated in a knowledge of the truth, if all men knew, as he now knows, about the dignity of the sexual act and the duty of the man, in honor toward the woman, the prostitute would not be. Under the present imperfect and immature condition of our society, with many economic questions of importance still unanswered, with the struggle for life on the part of the unprotected woman, and the domination of the sexual instinct on the part of the man; he should understand that the victims of passion still exist, and that their degradation and depravity remain because man insists. He should look upon them in charity as unfortunate and not as vicious. He should realize that they are the creatures of our civilization and that they will no longer exist when all men have been taught, as he has been taught, regarding sex relationship and the duty he owes to womankind.

In this connection he should be told regarding the venereal diseases and their importance. He should know that gonorrhea may last for years, and that even when no trace of the disease is evident to him, he may still, when he marries, infect his wife. He should realize all the dangers that may menace the young and pure woman whom he marries, and he must understand the possibilities in detail as regards the venereal diseases in relation to himself, his wife and his children. I would it were practicable for every young man to attend a venereal clinic. I believe it is the best possible object lesson that can be given him. He could not then say, as young men say to me only too often: "Nobody told me."

As the girl becomes a woman she, too, should study physiology, and her text-book should not be the usual one in which all reference to urination, defecation and menstruation are carefully expunged. These functions are not low and vile. There is no immodesty in teaching the girl that her bowels should move every day. There is no impropriety in explaining metabolism. If it is important for her to know the effect of alcohol on a piece of rump steak, is it not also advisable for her to know regarding the physiology of elimin-

ation? Times have changed during the past ten years and our young American women are becoming truly independent in thought and action. They are advancing because they are acquiring knowledge. No longer the slave of man, either in fact or in theory, they demand the right to take their place, not on a pedestal, to be the idol of chivalrous and inconsistent rhapsody, but as an equal, side by side with the man, his companion, his friend, his competitor in business or his wife. With these conditions of our society it becomes imperative, more so now than ever before, that the woman should not be ignorant of the facts regarding sex relationship. She should know that pregnancy is the usual result of the sexual act. She should know of the domination of the sexual instinct in the male, and she should understand that kissing and caressing tends to increase his desire for intercourse. She should also know that the use of alcohol may excite her passion, and by impairing her judgment may cause her, in a moment of indiscretion, to forget her caution.

The state also has a duty in this regard. In Illinois it is now a crime punishable by a fine of from \$1,000 to \$5,000, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment, for a man to seduce an unmarried female of previous chaste character, under 18 years of age. This is as it should be, for the woman is usually the victim; her necessities or ignorance may cause her to consent; she should be protected even against herself.

I have elsewhere elaborated my views in reference to instruction in factories and other corporate institutions regarding the venereal diseases. In department stores and other places of business where instruction is given separately to the young of both sexes, it would seem advisable that some knowledge of sex relationship should be taught. It is to my mind the grossest injustice to condemn when no attempt has been made to enlighten. It is unfair not to give the ignorant a chance to know the truth, and nowhere is ignorance so deplorable and the truth so necessary as in relation to the sexual instinct, its consequences, its sequelae and its possible disastrous results.

I believe it is an education in humanity for the young woman to know about the prostitute—her unfortunate sister. If Christ can forgive the Magdalen, our women of the twen-

tieth century are lacking in charity if with pharisaical assumption of superiority they look with scorn upon the outcast. Our young women of to-day enjoy a liberal education in the arts and sciences equal to that offered to men. Is there no one to tell them the truth regarding their most important duty to humanity? Is no one to tell them regarding our economic conditions which make it necessary for many of our women to become prostitutes if they would continue to live I consider it an insult to the intelligence and good name of our young women to claim that it is immodest for them to study sociology and remain in ignorance of one of its most important departments. It makes a woman more womanly, and, therefore, more lovable to know that deplorable circumstances at times may force another ignorant and desperate woman to sacrifice herself for self-preservation or for the maintainance of an illegitimate child.

There are sad things in this world, and they go on year after year just the same, even if we close our eyes and say we do not see them. I conceive of no possible improvement worthy of the name unless the truth is made manifest and a spirit of humanitarianism prevails. A liberal education is incomplete if it does not include a knowledge of the most important function of the body, its proper performance under suitable conditions, its disastrous results when misdirected.

[*To be Continued.*]

MEDICO-LEGAL SURGERY.

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Members of the Section on Medico-Legal Surgery, who have not remitted their annual subscription to the Section, will please send same to Judge Wm. H. Francis, No. 39 Broadway, N. Y., and members will please not confound the Section Dues with the Annual Dues of the Society, which should be remitted to Caroline J. Taylor, Treasurer, Bridgeport, Conn. Members of the Society or Section will please propose names for membership in this Section.

It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

TRANSACTIONS.

THE MEDICO-LEGAL SOCIETY.

FEBRUARY MEETING, 1903.

Presidency of Clark Bell, Esq.

February 18, 1903, the Medico-Legal Society met at dinner at the New York Press Club at 7 P. M., the President, Clark Bell, Esq., in the chair, and A. A. Jakobi, Ass't Secretary acting as Secretary.

After the removal of the cloth the minutes of the January meeting, 1903, as printed in the March number of the Medico-Legal Journal, were read and approved.

On the recommendation of the Executive Committee, the following gentlemen were duly elected honorary members of the Medico-Legal Society:

- *Hon. Geo. B. Andrews, ex-Chief Justice of Connecticut.
- Hon. Simon E. Baldwin, Supreme Court of Connecticut.
- Hon. Isaac S. Blodgett, Chief Justice Supreme Court of N. H.
- Hon. Geo. B. Bradley, ex-Judge New York Court of Appeals.
- Hon. L. L. Bleckley, ex-Chief Justice Supreme Court of Georgia.
- Prof. Dr. Moritz Benedikt, of Vienna, Austria.
- Judge David J. Brewer, of the Supreme Court of the U. S.
- Dr. A. N. Bell, editor of the Sanitarian, Brooklyn, New York.
- G. Fielding Blanford, M. D., ex-President British Medico-Psychological Association, London, England.
- Sir J. Chrichton Brown, M. D., London, England.
- Hon. Walter Clark, of the Supreme Court of North Carolina.
- Prof. R. H. Chittenden, Yale University, New Haven, Conn.
- T. S. Clouston, M. D., ex-President British Medico-Psychological Association; Sup't Royal Asylum, Morningside, Edinburgh, Scotland.
- Dr. N. S. Davis, of Chicago, Ill.
- Prof. Dr. R. Ogden Doremus, of New York.
- Hon. Abraham H. Dailey, Ex-Surrogate of Kings County, and ex-President of the Medico-Legal Society, of New York.
- Hon. John F. Dillon, ex-Justice of the Supreme Court of Iowa.
- Prof. Dr. F. W. Draper, M. D., Professor of Medical Jurisprudence, Boston, Mass.
- Hon. Charles Donohue, ex-Justice Supreme Court of New York.
- *Hon. Robert Earl, ex-Chief Justice New York Court of Appeals.
- Judge L. A. Emery, of the Supreme Court of Maine.
- Hon. Moritz Ellinger, ex-Coronor of New York and for many years Corresponding Secretary of the Medico-Legal Society.
- Hon. Marshall D. Ewell, Professor of Medical Jurisprudence, Chicago, Ill.
- Prof. Dr. Enrico Ferri, Deputy, Italian Parliament, Italy.
- Hon. Charles G. Garrison, of the Supreme Bench of New Jersey.

Prof. Dr. Charles H. Hughes, of St. Louis, Mo.
 Hon. John Hay, Secretary of State.
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 Hon. Ignatius C. Grubb, of the Supreme Court of Delaware.
 Hon. Oliver Wendell Holmes, ex-Chief Justice Supreme Court of Massachusetts, and Associate Justice Supreme Court of the United States.

Richard Hodgson, LL. D., Society of Psychical Research, Boston, Mass.

Prof. Wm. James, Harvard University, Cambridge, Mass.

H. W. Ireland, M. D., Alienist, Author and Medico-Legal Jurist, Musselburg, Scotland.

Prof. Dr. Herman Kornfeld. Privy Medical Councillor and Court Physician, Gleiwitz, Silicia.

Prof. Dr. P. J. Kovalevsky, Kharkoff, Russia.

Hon. Wm. J. Larned, ex-Justice Supreme Court of New York, Albany.

Prof. G. T. Ladd, Yale University, New Haven, Conn.

Hon. Judson S. Landon, ex-Justice Supreme Court and ex-Associate Justice N. Y. Court of Appeals, Schenectady, N. Y.

Hon. Abraham R. Lawrence, ex-Justice Supreme Court of N. Y.

Prof. Dr. Caesare Lombroso, of Turin, Italy.

Dr. V. Magnan, Supt. of Hospice St. Anne, Paris, France.

Dr. Jules Morel, Supt. Hospital, Mons, Belgium.

Hon. Jacob F. Miller, ex-member N. Y. Assembly and ex-President Medico-Legal Society.

Hon. James T. Mitchell, of the Supreme Bench of Pennsylvania, Philadelphia.

Prof. Dr. Morselli, Institute of Genoa, Italy.

H. Hayes Newington, M. D., ex-President British Medico-Psychological Association, Ticehurst, Sussex, England.

Dr. Wm. Orange, England, late Superintendent of Asylums for Insane Criminals, at Broadmoor, England.

Prof. John Ordronaux, Esq., Professor Medical Jurisprudence, ex-President State Lunacy Commission of New York.

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Prof. Dr. Vleminickx, of Brussels, Belgium.

Dr. Daniel Yellowlees, ex-Supt. Gartnavel, Scotland.

*Deceased.

On recommendation of the Executive Committee, the following were elected members of the Society:

Dr. Leon Audani, Director of the Polyclinic, Port au Prince, Hayti.

Hon. Mr. Jeretaoinsh, Minister of Foreign Affairs, and member of the Cour de Cassation of Hayti, Port au Prince, Hayti.

The following was the order:

A paper on "Studies and Observations on Tuberculosis," by H. W. Mitchell, M. D., ex-President of the Medico-Legal Society.

Paper, "Medico-Legal Aspects, of Immune Serum," by Arthur P. Hitchens, M. D., Glenolden, Pa.

Discussions of Prof. Gautier's recent views as to the presence of arsenic in all organic substances, by Prof. R. Ogden Doremus. and by Prof. John Phin.

The paper by Dr. H. W. Mitchell was read by title at the request of the author.

Dr. A. P. Hitchens then read his paper, and in the absence of the author, Prof. R. Ogden Doremus, his paper on "Arsenic," was read by the President.

The paper of Dr. Hitchens was discussed by Prof. John Phin and the Chair.

The President read a letter from Dr. J. S. Billings, Jr., and Dr. Wm. J. Gies.—(Vide Medico-Legal Journal for same.)

The Chair asked for further time to complete the organization of the Section on Chemistry and the allied sciences, and outlined a plan to have students of all the sciences pertaining to the study of microscopy, morphology, pathology, histology, physiology, biology and the studies of blood serum and section work, to ask the co-operation of the students in all the schools, colleges, universities and laboratories under a plan for a Section fee of nominal amount like \$1.50 per annum, with the Medico-Legal Journal free to each Section member, leaving it optional with them to unite with the Society or not as a full member; and asked for further time to complete the details of organization and the selection of officers. This was carried unanimously. The meeting adjourned.

CLARK BELL, President,

A. A. JAKOBI, Ass't Sec'y.

THE MEDICO-LEGAL SOCIETY.

MARCH MEETING, MARCH 18, 1903.

Presidency of Clark Bell, Esq.

The March meeting of the Medico-Legal Society was held at the Waldorf Astoria, the President Clark Bell, Esq., in the chair, and A. A. Jakobi, Esq., acting as Secretary.

The minutes of the February meeting were read and approved.

The report of Caroline J. Taylor, Treasurer, for the year ending December 31, 1902, was submitted, showing total receipts, \$364.00; total disbursements, \$234.11; balance cash on hand January 1, 1903, \$77.89. On motion report was received and ordered placed on file.

On motion, the chair named as auditors, Samuel Bell Thomas, Esq., and J. Mount Bleyster, M. D., of the Treasurer's report.

The following members were elected on recommendation of the Executive Committee:

The select committee appointed to memorialize the Legislature, urging the repeal of the lunacy legislation of last year, induced by Governor Odell, submitted copies of its memorial, and reported that it had been transmitted to both branches of the Legislature of the State on February 16, 1903, asking for a commission to revise the lunacy laws of the State.

The report was on motion received, and the memorial and report unanimously approved, and the committee discharged from further labor, except to press for the reform demanded, and the memorial ordered printed in the Journal, and copies sent to the members of the Legislature and the public press by the committee.

The committee appointed under the resolution of December 18, 1902, directing a memorial to the Legislature of the State, in favor of abolishing the office of Coroner, was submitted to the meeting with the report that the same had been prepared and printed by the committee and forwarded to both branches of the Legislature, and to the members of both houses.

The report was on motion duly received and adopted unanimously, and the action of the committee unanimously approved.

It was moved and carried that the same be printed in the Medico-Legal Journal, and for circulation in the public press.

On motion the President was authorized to name delegates to represent this Society to the International Medical Congress to be held in Madrid, Spain, and to all other bodies, societies and organizations with whom this Society is in correspondence, both home and foreign, for the year 1903. The following order was announced:

Medical and Legal Insanity Case of Wm. Hooper Young, with short comments by the trial Justice, Hon. D. Cady Herrick.

Eminent Jurists and Judges will be invited to discuss the subject. Discussion opened by the President, limited to eight minutes each speaker.

The Serum Test of Human Blood in Medico-Legal Cases. The following gentlemen have been invited to participate in the discussion.

Prof. Edward S. Wood, M. D., Professor of Chemistry in the Harvard Medical School, of Boston, Mass.

Prof. Wm. F. Whitney, M. D., of Harvard, Boston, Mass.

Dr. Arthur P. Hitchens, of Glenolden, Pa., and others whose names will be announced later.

The paper on "Medical and Legal Insanity, Case of Wm. Hooper Young," by Judge D. Cady Herrick, of the Supreme Court, was read in the absence of the author by Hon. Jacob F. Miller.

Paper by the President as a part of the same subject was read by the Chair.

The papers were discussed by Hon. Jacob F. Millre, J. Tryon Edwards, Esq., E. I. S. Hart, Esq., Dr. J. R. Abarbanell and others.

The paper by Prof. Edward S. Wood, was read in the absence of the author, by Dr. J. Mount Bleyer, and the paper by Wm. F. Whitney, of Harvard, on the same subject, by the Chair.

A short contribution by A. P. Hitchens, M. D., was presented by the chair and read. These papers were discussed by Dr. James Ewing and Dr. Schultze.

The meeting adjourned.

CLARK BELL, President.

A. A. JAKOBI, Ass't Sec'y.

MEDICO-LEGAL SOCIETY.

APRIL MEETING, 1903.

Presidency of Clark Bell, Esq.

The Medico-Legal Society met in joint session with the Psychological Section on Wednesday, April 15, 1903, at the Waldorf-Astoria at 8 o'clock P. M., for the April session.

The minutes of the March meeting were read and approved.

The Chair announced that the delegates named for the International Medical Congress at Madrid, on the part of this Society, were Surgeon General N. Senn, M. D., of Illinois; Surgeon General R. Harvey Reed, M. D., of Wyoming, and Count G. Bettini di Molse, M. D., all of whom had sailed to attend the Congress.

The following communication was received from the American Congress on Tuberculosis, through its Secretary, which was read and ordered placed on file and entered into the minutes of the body:

AMERICAN CONGRESS ON TUBERCULOSIS.

Office of the Secretary, 290 Broadway, New York City.

My Dear Colleague:

Dear Sir:—I have the honor to enclose the action of the Executive Committee at its session of March 30th, pursuant to its order, of which please take notice.

Respectfully,

SAMUEL BELL THOMAS, Secretary..

AMERICAN CONGRESS ON TUBERCULOSIS.

At an adjourned meeting of the Executive Committee of the American Congress on Tuberculosis, held on March 30, 1903, at 4 o'clock P. M., at the office of Clark Bell, the Chairman of the Executive Committee, at No. 39 Broadway, in the City of New York, Clark Bell, Esq., Chairman in the chair, and Samuel Bell Thomas, Esq., acting as Secretary, it was unanimously

Resolved, As the sense of this Executive Committee that the action of George Brown, M. D., as Secretary, in sending out the circular purporting to be issued from the American Congress on Tuberculosis, and under the alleged authorization of Dr. Lewis, viz.:

1. In omitting the name of Dr. A. N. Bell as one of the Honorary Presidents, and

2. Containing the following statement: "facilitating the work of re-organization on the lines mapped out at last meeting, when it was decided that a radical re-organization should be completed by the officers elected," which he knew, or should have known, was incorrect, and that said circular had not been authorized by the Council of the organization or its Executive Committee; was revolutionary in character and tended to provoke dissension in this body, and injure its usefulness; and that in the opinion of this Committee such action deserves its condemnation and disapproval.

3. That in the opinion of this Committee the best interests of the American Congress on Tuberculosis demand the immediate suspension of Dr. George Brown from any further action as Secretary, and from the exercise by him of any official power or duty in the name of the body, as Secretary or otherwise; and

Whereas, He has distributed such circular containing said statements, as if the same was authorized by this body; and

Whereas, He proceeded to organize and incorporate a body under a charter, with a slight change of name, which, in the opinion of this Committee, tends to destroy this organization and impair its usefulness; the tendency of his said circulars and act being misleading and without proper authority of this Congress and its Executive Committee. Now, therefore,

Resolved, That by virtue of the authority vested in this Executive Committee, by the unanimous action of the American Congress on Tuberculosis, on June 4, 1902, continuing this Committee and its powers and duties until its successor is duly elected, and has assumed the duties of this Committee, it is

Resolved, That in the opinion of this Committee, the best interests of this organization requires the immediate suspension of the said George Brown, M. D., from the office of Secretary of the American Congress on Tuberculosis; and it is further

Resolved, That he be, and hereby is, forbidden to take any other or further action as Secretary of the American Congress on Tuberculosis; and it was further

Resolved, That by the said Samuel Bell Thomas, as Secretary, mail a copy of this action to the said George Brown, M. D. It was further Resolved, That the resolution offered by Dr. J. Mount Bleyer, on February 16, 1903, and all action on the report of the Committee before whom the charges against said George Brown were tried, be laid over for further consideration at a future meeting of this Committee, or of the Council, when the same shall have organized.

The Chairman laid before the Committee the declination of Dr. T. Henry Davis, of Richmond, Indiana, who, while tendering his thanks for the honor, and expressing his great interest in the work of the Congress, declined the position because he could not perform the duties by reason of his pressing engagements.

On motion, the declination was accepted, and the Chair instructed to correspond with Dr. Davis as to a suitable name to fill the vacancy, or any other vacancy that might occur in the Council by death or resignation, before the Council was duly organized. It was

Resolved, That the Chairman of the Executive Committee, Mr. Clark Bell, Esq., and Samuel Bell Thomas, Esq., Secretary of the American Congress on Tuberculosis, be authorized and directed to

inform the members of this body by circular or by letter, of the action of this Committee, as to the charges and action relating to the said George Brown, and that the Secretary, Samuel Bell Thomas, now, and hereafter act as Secretary of the American Congress on Tuberculosis, and that he notify the said George Brown of the action of this Committee as to his suspension and removal, and that a copy of this action be signed by the members of the Executive Committee unable to attend this Session, and be sent by the Secretary to all the officers of this body, and to the members of the Council who have accepted their position.

The Chairman laid before the Committee a copy of the Inaugural Address of the President of the Medico-Legal Society, and of the recommendations therein contained, as to the thanks due the Government official of the United States of America for the kind aid given the Congress by the Secretary and Assistant Secretary of State, by the Surgeon Generals of the Army and Navy, and their recommendation for Honorary Membership in the Medico-Legal Society, and reported that the recommendations of the President, in his said Inaugural Address, had been carried into effect by the Medico-Legal Society. It was then unanimously

Resolved, That the Chairman of this Committee, and Samuel Bell Thomas, Esq., as Secretary of the American Congress on Tuberculosis, notify the following officials that they had been elected to honorary membership in the American Congress on Tuberculosis for 1903, in recognition of the great services rendered the American Congress of 1902 by the Government of the United States through their praiseworthy efforts, viz.:

Hon. John Hay, U. S. Secretary of State.

Hon. David J. Hill, Assistant Secretary of State.

Surgeon General Presley M. Rixie, M. D., Surgeon General of the Army.

Surgeon General George M. Sternberg, retired, late Surgeon General of the Army of the United States; and that this distinction be also communicated to the public press. It was further

Resolved, That the Chairman of this Committee; Dr. T. D. Crothers; Samuel Bell Thomas, Esq.; Henry McHatton, M. D., of Macon, Ga.; E. J. Barrick, M. D., of Toronto; and Edward B. Hooker, M. D., of Hartford, Conn., be named as a committee to nominate suitable names for the several standing committee authorized to be created by the American Congress of 1902, on June 2, 1902, viz.:

- (a) Committee on Preventive Legislation.
- (b) Committee on the Pathology and Bacteriology of Tuberculosis.
- (c) The Veterinary Aspects of Tuberculosis.
- (d) Sanatoria.
- (e) Climatology.
- (f) Light and Electricity.
- (g) The Surgery of Tuberculosis.
- (h) Resolution.
- (i) Ways and Means.
- (k) On Acceptance, Censorship and Revision of Contributions for Publication, and on Publication.
- (l) On the Press.

And to recommend the names selected by them, to the Committee for election at a future meeting, or to the Council, if organized, to the end that the work of the body may proceed, notwithstanding the unfortunate dissensions and confusion due to the unauthorized action of the said George Brown, as Secretary.

Carried unanimously. The Committee adjourned, subject to the call of the Chairman.

CLARK BELL, Chair. Ex. Com.
M. ELLINGER,
SAMUEL BELL THOMAS,
A. N. BELL,
J. MOUNT BLEYER,
A. H. DAILEY.

The following was the order for the evening:

PENOLOGY AND CRIMINOLOGY.

The Present Parole System of Youthful Offenders, by Mr. Willard, in charge of paroled boys, New York Special Sessions.

By Miss E. Eliot, in charge of paroled girls, same Court.

Discussion by Judges, Jurists and Criminologists.

Mr. Willard, who has been charged with the care of paroled boys, in the General and Special Sessions, then made an address explanatory of the introduction and history of the system, and gave a resume of the work under his care and charge, in relation to the boys paroled over 16 years years of age.

Miss E. Eliot gave an address, which illustrated the work of a like character under her charge as parol officer, for girls over 16 years of age, and emphasized the work she was carrying forward.

E. Fellows Jenkins, Superintendent of the New York Society for the Prevention of Cruelty to Children, who had been invited to take part in the discussion, made an address, showing the workings of the system for girls and boys under 16 years of age, under the charge of the New York Society for the Prevention of Cruelty to Children, of which he was in charge as superintendent; and by request the history of the recently established Children's Court in this city.

He said that Judge Joseph M. Deuel, President of the Board of City Magistrates of this city, is the author of the law.

That Judge Wm H. Olmstead was appointed Judge of this Court in September, 1902, which is in active operation in this city.

That Judge Robert J. Wilkin, of the Second Division of the Court of Special Sessions, in Brooklyn, had on that day, April 15, been appointed Judge of that Court in the Borough of Brooklyn. He has been heretofore, President of the Brooklyn Society for the Prevention of Cruelty to Children, and this court would be in operation at once.

Mr. Jenkins submitted a copy of his parol report for March, 1903, and statistics of the Children's Court in New York City from September 2, 1902, to February 28, 1903, inclusive.

Judge Julius M. Mayor, of the Court of Special Sessions, First Department, had accepted an invitation to speak this evening, but had not been able to be present.

The thanks of the body was extended to the speakers, and the Chair was authorized to request Judge Mayer to submit his views, and to request Judges Wm. H. Olmstead and Robert J. Wilikin to contribute a brief resume of the work and operation of this court, and their views as to its merits in the diminution of crime.

The meeting adjourned after a collation.

CLARK BELL, President.

A. A. JAKOBI, Ass't Secretary.

MEDICO-LEGAL SOCIETY.

MAY MEETING, 1903.

Presidency of Clark Bell, Esq.

May 20, 1903, the Society met at dinner in joint session with the Psychological Section, at the New York Press Club, 116 Nassau Street, New York city, the President, Clark Bell, Esq., in the chair, Samuel Bell Thomas, acting as Secretary.

The minutes of the April meeting were read and approved after the removal of the cloth. Dr. Justin L. Barnes was duly elected an active member on recommendation of the Executive Committee.

Report of R. Harvey Reed, M. D., delegate to the International Medical Congress at Madrid, was read by the chair, and on motion ordered on file.

The chair announced that Dr. G. Bettini di Moise, another delegate, met with an accident on the outward passage, that disabled him and prevented his attendance at the session of the Congress. The following order was then taken up:

- (1) The Eighth Sense. By Prof. John Phin, of Paterson, N. J.
- (2) Criminology and Atavism. By Sophia McClelland.
- (3) The Case of Mrs. Maybrick. By Clark Bell, Esq., LL. D.
Discussion by Rev. Phebe A. Hanaford, Mary A. Lease,
Hon. Abram H. Dailey and others.

Prof. John Phin, of Paterson, N. J., then read his paper on the "Eighth Sense," which was discussed by Judge Abram H. Dailey, J. R. Abarbanell, Judge W. H. Francis, Mary A. Lease, Mr. W. H. Eddy and the chair.

The paper of Sophia McClelland was read in the absence of the author, and was discussed by J. R. Abarbanell, Esq., who also discussed the paper of Paul Tyner on "Anarchy and Atavism."

The President, Mr. Clark Bell, made a short address on the refusal of the English Government to grant clemency to Mrs. Maybrick, the discussion of which, owing to the lateness of hour, was postponed.

Mr. Samuel Bell Thomas, Esq., as Secretary of the American Congress on Tuberculosis, announced that the annual meeting of that body, for the election of officers for the ensuing year, and the transaction of all business, would be held on June 10th next, at the New York Press Club, at 2 o'clock P. M., and he submitted an official statement of the action of the governing council of that body, which had met and organized the various committees, and called the annual meeting.

The official action was ordered to be spread on the minutes of this Society, and printed in its transactions. The June and September meeting of this body was ordered to be dispensed with. Society adjourned.

The form of a contract between the Medico-Leagl Society and the Medico-Legal Journal was then approved, for the publication of Volumes 20 and 21, Medico Legal Journal, and the executive officers were, on motion, authorized to execute the same on the part of the Medico-Legal Society.

CLARK BELL, President.

Samuel Bell Thomas, Esq., Sec'y.

AMERICAN CONGRESS ON TUBERCULOSIS.

Meeting and Organization of the Council.

May 6, 1903.

The Council met at the office of Clark Bell, Esq., Chairman of the Executive Committee, at 3 o'clock, P. M., pursuant to the following call sent to all the members, the President, First Vice President, Secretary, Treasurer; Moritz Ellinger, Esq., Chairman of the Council in the chair, and Samuel Bell Thomas, Esq., Secretary. The following members answered to the roll call in person or by proxy:

Moritz Ellinger, Chairman.

Samuel Bell Thomas, Esq., Secretary.

Dr. A. P. Grinnell, by Dr. M. Marcovitz, proxy.

Dr. Henry McHatton, by Clark Bell, proxy.

Dr. J. Mount Bleyer, by J. R. Abarbanell, proxy.

Dr. M. M. Smith, by Dr. F. W. Holcomb, proxy.

Dr. A. N. Bell, in person.

Absentees.—The President, Dr. Daniel Lewis, the First Vice President, Dr. James E. Egan; the Treasurer, Dr. P. H. Bryce.

Mr. Clark Bell, proxy for Dr. Henry McHatton, announced that the vacancy in the Council of Dr. T. Henry Davis, of Indiana, had not been filled. That Dr. H. W. Mitchell, M. D., had declined the appointment, he being unable to attend to the duties, and announced that a vacancy existed by reason of the death of Dr. Chas. F. Ulrich, who died in February, 1903, after having accepted the office.

Mr. Bell moved that the declinations of Dr. T. Henry Davis, and of H. W. Mitchell, M. D., be accepted, which was seconded and unanimously carried.

The Chairman announced that there were three vacancies in the Council, and only three absentees, there was more than a full quorum present.

Mr. Bell paid a tribute to the life and career of Dr. Chas. F. Ulrich, deceased, one of the older members of the body, and one of the Vice Presidents at large of the body, and spoke of the active part Dr. Ulrich had taken in the early work of the body in the Congress of 1901, in which he took an active and conspicuous part, and the active work he had done in his State, West Virginia, and moved the appointment of a committee to report on his death and career, which was carried.

The chair named Mr. Clark Bell and Mr. J. R. Abaranell as such committee.

The Secretary read a letter from Dr. J. W. P. Smithwick, of La Grange, N. C., expressing his approval of the action of the Executive Committee in suspending Dr. Geo. Brown from further action as Secretary, and consenting to act on the Council, and enclosing his proxy in case of his election.

It was moved and carried that the Council proceed to fill the vacancy occasioned by the death of Dr. C. F. Ulrich, which was carried.

The name of Dr. J. W. P. Smithwick, of La Grange, N. C., was proposed as a member of the Council, and he received the unanimous vote of all the members present and was declared elected.

Judge Abram H. Dalley then presented the written proxy of Dr. Smithwick, and took his seat in the Council.

Mr. Bell, as proxy for Dr. McHatton, and as chairman of the Executive Committee, laid before the Council: (1) The unanimous vote of the American Congress on Tuberculosis of June 4, 1902, taken after the election of officers, continuing the Executive Committee, the Committee on Censorship of papers, and upon the auditing of bills, until their several successors had been elected in their place and had assumed the discharge of their duties.

Mr. Bell then stated that the Congress had adjourned without electing the nine members of the Council, as provided for in the basis of organization,—which had been unanimously adopted at the meeting of the Congress on June 3, after amendments which had appeared in the basis in brackets, as it had been published in the December number of the Medico-Legal Journal on pp. 403 and 404, from the report of the committee, which was amended. The basis of organization, as originally reported, and the amendments in brackets were then read.

It was, on motion, Resolved. That the plan of organization, as read and printed in the said Journal, be and is hereby declared to be the basis of organization of the American Congress on Tuberculosis, and the same duly ratified, approved of and accepted by this Council as the plan and basis of organization. Seconded and carried by an unanimous vote.

The following is the plan as formally adopted are printed in brackets, and were adopted on separate motions:

AMERICAN CONGRESS ON TUBERCULOSIS—PLAN OF ORGANIZATION.

The following is the plan of organization adopted by the Congress on the second day of its session.

The clauses printed in brackets were amendments, unanimously adopted by the Congress on motion of Mr. Clark Bell, the Secretary, after debate, which amendments to the original report of the Committee were accepted by Dr. T. Crothers, the chairman of the Committee on Organization, who had been named at the Congress of 1901 to report at this Congress:

OFFICERS.

There may be several Honorary Presidents including the Governor of the State where the Convention is held, the Mayor of the town, and any foreign dignitary who would give strength to the organization by his name.

The President of the United States may be included.

ACTIVE OFFICERS.

A President, Secretary, Treasurer and five Vice-Presidents; also a Council of nine members, of which the President and First Vice-President [Secretary and Treasurer], also the ex-Presidents are members ex-officio.

COMMITTEES.

A committee appointed by the President from the Council to have charge of the finances, audit all bills, and regulate the taxes [or dues] to be paid to the members. This committee shall consist of five members who shall audit all bills and sign all orders on the Treasurer, and such other business of the Association as pertains to the business of the Association.

The duties of the Secretary and Treasurer will be the same as that of other societies.

Second. The committee on publication shall consist of five members appointed by the council, with the President and Vice-President ex-officio members.

All papers to be presented or read at the meeting must be sent to the Publication Committee either in full or in abstract, at least four weeks before the meeting. They will have charge of the papers that are read and their final disposition as to publication.

Third. The Committee on Transportation, consisting of five members appointed by the Council, have charge of all enrolments, place of meeting, banquets, excursions, museum and hall.

Fourth. The Committee on Invitation, consisting of five members, with President and Vice-President ex-officio, shall send out all invitations and make all arrangements for the papers and lectures of the meeting.

All resolutions shall be referred to the council without discussion, to be reported on later in the session at their option to the Congress, with such recommendations as they may deem best.

A business meeting of the Council including the officers, enrolled members and delegates who have a right to vote, to be held the first evening of the session.

A Nominating Committee shall consist of one delegate from each State and Province and country represented; also from the United States Army and Navy, and also from the Marine Hospital service.

This committee to be appointed by the President on the first day of the Congress.

Delegates are to be received from all reputable medical societies, from the Army and Navy and Marine Hospital service, and persons appointed by the Governors of different countries and States, provinces and all societies for the prevention of tuberculosis [and other legal societies and scientific bodies.]

All By-Laws and regulations to be the same as that which govern other bodies.

T. D. CROTHERS, M. D.,
C. O. PROBST, M. D.,
T. HENRY DAVIS, M. D.,
MORITZ ELLINGER.

On motion the basis of organization, as reported and read, and the amendments, as in brackets, be, and the same is duly approved

and declared to be the basis of organization as unanimously adopted by the American Congress on Tuberculosis.

Mr. Bell then laid before the Council the transactions of the American Congress on Tuberculosis, as printed in the Medico-Legal Journal on pages 224, 225, 226, 227 of the September number, 1902, and pages 218, 219, 220, 221, 222 and 223 of same number, record of correspondence.

On motion the transactions and report of the proceedings as read, and as so published in the Medico-Legal Journal, were duly and unanimously approved by the Council.

The continuation of the said correspondence and transactions were then laid by Mr. Bell before the Council, as printed and published on pages 380, 381, 382, 383, 384, 385, 386, 387 and 388. On motion the transactions and action, as so printed in said Journal for December, 1902, on said pages, were unanimously approved and ratified by the said Council.

Mr. Bell then submitted to the Council the action of the Executive Committee of May 17, 1902, as printed on pp. 388, 389 and 390 December number Medico-Legal Journal. On motion said action was, as so printed, ratified and approved of by the Council.

Mr. Bell then laid before the Council the Executive Committee's action of June 30, 1902, as printed in the December number of the Medico-Legal Journal on pages 390, 391, 392, 393 and 394, with accompanying list of officers elected at the meeting of the American Congress on Tuberculosis as printed at pages 395 to 400, both inclusive, and the same was ratified and approved by the Council. Mr. Bell then read an editorial statement from the March Medico-Legal Journal, as it appeared on the American Congress on Tuberculosis, on pages 583, 584 and 585, and on motion the statements there made were unanimously endorsed and approved of by the Council.

The Secretary then read the proceedings of the Executive Committee of the American Congress on Tuberculosis of the dates of February 11, 16, 27, 1903; and of March 16, 1903.

The charges made against Dr. Geo. W. Brown, dated February 11, 1903; the report of the committee to whom said charges were referred, and the evidence taken by the said committee and its action, dated, and the action of the said committee of March 30, 1903.

The Secretary reported that copies of the action of the Executive Committee had been sent to the president and officers of the Congress from time to time by mail, and to each member of the Executive Committee.

It was on motion unanimously resolved that the action of the Executive Committee, the Committee on Charges, and of the Chairman of the Executive Committee, be and hereby is unanimously ratified, approved and confirmed.

It was moved and carried unanimously that the annual meeting of the American Congress on Tuberculosis for the election of a Council of nine members: a president, five vice-presidents, a secretary and treasurer, and all the officers named in its published list of officers, with vice-presidents at large, and for each State, province or country and for the transaction of any business that may properly come before it, be held on June 10, 1903 in the city of New York, at 2 o'clock P. M., at such place as shall hereafter be fixed by the officers.

It was moved that Samuel Bell Thomas, as Secretary of the American Congress on Tuberculosis, issue such call under and by virtue of the authority of this Council, and that all members, honorary and active, who are unable to attend in person, may vote at such annual meeting by proxy, who are duly enrolled.

It was moved and carried that the chairman name a Committee of Arrangements to make preparation and provision for said Congress, to select the place, and make such preparations as shall be deemed for the best interests of the body, with power to invite speakers, and if thought advisable, to arrange for a dinner.

The chair announced that he would name the Committee of arrangements later.

It was moved and carried that a committee be named by the chair to submit to the Congress By-Laws for the government of the body. The chair announced that he would appoint such committee later.

It was moved and carried that all State medical and other medical, legal or social bodies interested in the subject, be invited to send delegates, as well as States, countries and provinces to the said annual meeting.

Dr. M. Marcovitz, proxy for Dr. M. M. Smith, said that he thought that a lower enrolling fee be fixed for the Congress of 1903, because its meeting would be less expensive, and for organization, and suggested \$1.00 as the dues for 1903. It was discussed and seemed to be concurred in by the members, but no vote was taken. Dr. Marcowitz also suggested that some plan be adopted to raise funds to meet the debts of the body still unpaid, and suggested that the Bulletin of the Congress of 1902 be used as an incentive to enrolment.

The Medico-Legal Journal, which was under contract to publish the Bulletin of 1902, to all enrolled members at the contract price of \$3.00, here offered through Mr. Bell, to furnish a copy of the Bulletin of 1902 to every delegate from medical or other societies, or to delegates named by Governors of States, at half price, \$1.50, if the Council would vote to give them who thus subscribed, certificates of membership for the year 1903. On motion of M. Marcowitz, this offer was accepted by unanimous vote, and the Secretary authorized to announce it.

Mr. Moritz Ellinger was then duly elected chairman of the Council, and Samuel Bell Thomas was, on motion, unanimously declared to be the Secretary of the American Congress on Tuberculosis, vice Geo. Brown, M. D., suspended.

Dr. Moscowitz asked Mr. Bell what the attitude of the President Dr. Daniel Lewis, was as to Dr. Brown's issue of a circular, as authorized by Dr. Lewis, stating what was known to all who were present at the Congress as untrue, "that it was decided that a radical re-organization should be completed by the officers on the lines mapped out at the last meeting." Mr. Bell replied that he did not know from Dr. Lewis, whether he authorized Dr. Brown to issue the circular. That Dr. Lewis had been sent copies of the action of the Executive Committee containing the charges against Dr. Brown, and denouncing the statements as untrue.

That he knew Dr. Brown was on trial for publishing what he, Dr. Brown, knew to be untrue, but that Dr. Lewis had, so far as he,

Mr. Bell, knew, had remained entirely silent and left Dr. Brown to meet it alone.

That after Dr. Lewis knew that Dr. Brown had been suspended from the office for making the statement in the circular, that he, Dr. Brown, knew was not correct, Dr. Lewis still remained silent, and had not made any statement pro or con.

That there was this difference between Dr. Lewis' position and that of Dr. Brown's. Dr. Lewis did not attend the Congress, and did not know of his own knowledge that the statement was untrue, as Dr. Brown did.

Dr. Lewis may have been informed by those in whom he confided, that such action had been taken, he may have thought so and believed so, on what seemed to him reliable sources of information.

Mr. Bell thought Dr. Lewis entitled to the benefit of such a doubt, which in Dr. Brown's case would be impossible. Again Dr. Lewis is understood to be in favor of an organization confined exclusively to medical men, and not to legal men. He may not know, and may never have been told that when the basis of organization was under discussion at the Congress of 1902, on June 3, and the committees had reported, "Delegates are to be received from all reputable medical societies, from the Army and Navy and Marine Hospital service, and persons appointed by the Governors of different countries, States and provinces, and all societies for the prevention of Tuberculosis." That I moved as an amendment to the report of the committee these words to be added to the end of the sentence, "and other legal societies and scientific bodies," which I supported by remarks, recalling the fact of the origin of the Congress, due to the Medico-Legal Society alone, which under the language of the report, would not be eligible to send even a delegate, and that after discussion this amendment was accepted by Dr. Crothers, who, as chairman of the committee, had charge of the measure, and the amendment was unanimously adopted, and the report, with the amendment in brackets, adopted unanimously.

Dr. Brown knew all this as he was present and heard the amendment made and adopted. Dr. Lewis was not present, and he may not have known of it, and may not know it even now. I can understand how Dr. Lewis may have been misled, deceived and so made to believe to be true that which was untrue. But if Dr. Lewis did know what Dr. Brown knew, and did authorize such a statement, then he would justly merit Dr. Brown's fate, and he would be shorn of his influence and be powerless for good in the office he holds.

It is difficult to understand how or why Dr. Lewis did not take steps to inquire into the facts. He certainly should have done so. If he did not do so, he does not thereby escape responsibility.

Dr. A. N. Bell said that he understood that Dr. Lewis in his March Journal had assumed the responsibility for the Dr. Brown circular.

Mr. Clark Bell said he had not seen Dr. Lewis' March number journal, and until he saw more, he preferred to believe that Dr. Lewis had been imposed upon, and the facts misstated to and misrepresented to him, but that in no event had the president the power to authorize the secretary to issue any circular at all; nor to appoint members of the Council nor to fill vacancies in any office; nor



THE EARL OF MINTO.
Governor General of Canada.



HON. JOHN HAY,
Secretary of State, U. S. A.



EX-JUDGE ABRAM H. DAILY.
Ex-President Medico-Legal Society.

HONORARY PRESIDENTS OF THE AMERICAN CONGRESS ON
TUBERCULOSIS FOR THE ST. LOUIS EXPOSITION
OF 1904.

had the secretary the right to issue a circular "on the authority of Dr. Lewis." That this was the function of the council, or the board of officers, and no one pretended that any meeting of the council or board had been called or held. The council adjourned subject to the call of the chairman.

MORITZ ELLINGER, Chairman of Council.
SAMUEL BELL THOMAS, Secretary.

CALL FOR ANNUAL MEETING.

AMERICAN CONGRESS ON TUBERCULOSIS.

NOTICE OF ANNUAL MEETING.

Office of the Secretary, 290 Broadway, N. Y.,
May 12, 1903.

The Annual Meeting of the American Congress on Tuberculosis will be held at the Press Club, No. 116 Nassau street, New York City, on Wednesday, June 10, 1903, at 2 o'clock p. m., for the election of officers for the ensuing year, and the transaction of all business proper to come before it. Members unable to attend may send their proxies by mail. The Council has accepted the offer of the Medico-Legal Journal to supply a copy of the Bulletin of the Congress of 1902 with a receipt for membership of the Congress of 1903 to all members, delegates named by Governors of States or medical or other societies, who were appointed to attend the Congress of 1902, and who did not enroll, for half price or \$1.50, which entitles the holder to membership in Congress of 1903, and the right to vote and to be eligible to serve as officers or on committees.

State medical societies, and all legal or scientific bodies, are invited to send delegates to this meeting.

The various committees will make their reports at the annual meeting, and eminent citizens and prominent officials will be invited to make brief addresses.

The meeting will be under the auspices of a committee of arrangements.

The work of the coming year will be outlined and laid out.

There will be elected two Honorary Presidents, a President, five Vice Presidents, nine members of the Council, a Secretary, a Treasurer, thirty-six Vice Presidents at Large, three Vice Presidents from each State, Province and country, and the usual list of Honorary Vice Presidents.

Proxies may be sent to any of the officers.

By order of the Council,

SAMUEL BELL THOMAS, Secretary.

AMERICAN CONGRESS ON TUBERCULOSIS.

OFFICERS FOR 1903-4.

Elected June 10, 1903.

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Sec'y of State, Washington.
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HONORARY PRESIDENTS OF THE AMERICAN CONGRESS ON
TUBERCULOSIS FOR THE ST. LOUIS EXPOSITION
OF 1904.



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Elected at Session of June 10, 1903.

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Uruguay—Dr. Louis Alberto Herrera, Charge-de-affairs at Washington, D. C.

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By reason of the contributions made and forwarded by eminent men from Europe, the following were elected Honorary Vice Presidents of the Congress:

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Denmark—Prof. Dr. Niles R. Finsen, of Copenhagen.
Silesia—Prof. Dr. Herman Kornfeldt, of Gleiwitz.

Dr Wm. Livet, of Paris, France, was elected Vice President from France; he having enrolled as a member of the Congress and contributed a valuable paper.

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RECENT LEGAL DECISIONS

— OF —

MEDICO-LEGAL INTEREST.

A railroad paymaster traveling upon business of the company station to station, and stopping between stations for the purpose of paying off employees wherever they may be, is held, not to be, while so doing, a "passenger" within the meaning of a policy of accident insurance granting double indemnity to the insured if injured while riding as a passenger on a passenger car using steam as a motive power.—*Travelers' Ins. Co. v. Austin* (Ga.) 59 L. R. A., 107.

Trackmen charged with the inspection and repair of the tracks and roadbed are held, not to be fellow servants of a trainman so as to absolve the master from liability for injury to the latter by the negligence of the former.—*Smith v. Erie R. Co.* (N. J. Err. & App.) 59 L. R. A. 302.

The negligent jolting of a train by which a passenger is hurled through the rear door and left in an insensible condition upon the track is held, to be the proximate cause of his death, where he is subsequently run over and killed by an engine belonging to another company which the first company knew had a right to use the track and was likely to use it at any time.—*Southern R. Co. v. Webb* (Ga.) 59 L. R. A. 109.

The practice of osteopathy is held not to be within the provisions of a statute making the practice of medicine or surgery without a license a misdemeanor.—*State v. MacKnight* (N. C.) 59 L. R. A. 187.

Requiring a magnetic healer to procure a license before engaging in the healing art, is held, not to deprive him of his liberty or property without due process of law, or deny him the equal protection of the laws.—*Parks v. State* (Ind.) 59 L. R. A. 190.

A physician is held, not to be absolved from liability for failure to exercise proper skill in a particular case by the fact that the result is as good as is usually obtained in like cases.—*Burk v. Foster* (Ky.) 59 L. R. A. 277.

A general allegation of negligence, while good against a general demurrer, is held, not to be good against a demurrer on the ground of uncertainty, under a statute requiring the plaintiff to make a statement of the facts constituting the cause of action, in ordinary and concise language. The other authorities on the sufficiency of general allegations of negligence are collated in an exhaustive note to this case.—*King v. Oregon Short Line R. Co.* (Idaho) 59 L. R. A. 209.

The full penalty prescribed by statute having been recovered for the unlawful killing of a railroad employee who is a member of the voluntary relief department of the railroad company, it is held, that the beneficiary named in the certificate of such employee cannot

maintain an action against the railroad company on such benefit certificate.—*Oyster v. Burlington Relief Department* (Neb.) 59 L. R. A. 291.

A street car passenger who is ejected from a car to which he is transferred because of a mistake not noticed by him in the transfer slip given him by the conductor to whom he paid his fare is held, to be entitled to recover substantial damages from the company.—*Lawshe v. Tacoma R. & P. Co.* (Wash.) 59 L. R. A. 350.

A judgment of divorce rendered in a state in which the wife has acquired a separate domicile, and valid there, is declared, to be valid in other jurisdictions. With this case is an extensive note reviewing the authorities on conflict of laws on the subject of divorce.—*Succession of Benton* (La) 59 L. R. A. 135.

Legitimation of a bastard, by the laws of his parents' domicil, through their marriage during his minority, is held, to fix his status so that he is legitimate everywhere.—*Fowler v. Fowler* (N. C.) 59 L. R. A. 317.

Forbidding the employment of females in certain establishments more than ten hours a day is held, not to deprive them unconstitutionally of life, liberty, or property.—*State v. Buchanan* (Wash.) 59 L. R. A. 342.

A contract by a father releasing a railway company from all liability for injuries to a minor son while in the company's employ is held, to be valid and binding to the extent of exempting the employer from liability for negligent acts of itself and servants which are not criminal.—*New v. Southern R. Co.* (Ga.) 59 L. R. A. 115.

Evidence that additional precautions were taken, after an occurrence resulting in injury, to prevent others from being likewise injured, is held, not to be competent as an admission of negligence on the part of one sought to be held liable for the injury.—*Georgia S. & F. R. Co. v. Cartledge* (Ga.) 59 L. R. A. 118.

NOTE.—We are indebted to the Lawyers' Co-Operative Publishing Company for valuable contributions to this department.

EDITORIAL.

THE CASE OF MRS. MAYBRICK.

So many sensational announcements have appeared in so many journals, both home and foreign, with reference to the fate of this unfortunate sufferer, that we deem it proper to say, that we learn from the American Minister of State that no action of any kind has been taken by the English Government or Home Secretary, and that nothing has reached our Government indicating any intention on the part of the English Home office, to extend any clemency whatever in the case of Mrs. Maybrick.

As in America, prisoners serving terms in England, are entitled to receive for good behavior in prison, a credit in diminution of term sentence by a scale of graduated reduction.

By usage and custom in England a prisoner serving a commuted life sentence, as is Mrs. Maybrick, is usually liberated after serving a fifteen-year term. From this term for good behavior in prison, this is reduced under their usages, in all cases, so that without any clemency on the part of the Home Secretary, Mrs. Maybrick, who is a star prisoner, and as such entitled to credit by way of diminish the duration of her term of service the same as would be any prisoner of her class and type.

Without any clemency whatever under their system, assuming that her prison standing remains unbroken as good, she would be discharged in 1904.

Both the American and foreign press have been deluged with sensational articles respecting her case, but scarcely one of these reports have been accurate or reliable.

There is now not the slightest ground for hope of any clemency being extended to her. The influences that have prevented the various Home Secretaries from exercising any clemency in her case, are as powerful now, apparently, as ever, and they have successfully prevented favorable action.

The obstinacy of the English Home Secretary in refusing her release is phenomenal, but it may be said to be characteristic of certain forms of English thought.

If she survives the hardships of her prison life, and is discharged in 1904, she will come with her mother to this country, in all probability, to reside. She became an American citizen under the law of England, when she made the appeal for protection to our President, through the English Home office, and her application forwarded to our Government from her prison.

Under American law an American lady does not surrender her citizenship by intermarriage with an Englishman, or other foreigner, but under English law she becomes an English subject on such a marriage.

We have felt willing to hope that the English Home Secretary would have the good sense and sagacity to release Mrs. Maybrick when so near the end of her term of imprisonment, out of deference to the universal wish and appeal of our people, as well as the voice of enlightened jurists in all countries.

The restoration of a better feeling between the English people and our own would have been enhanced by such an act. The personal appeal of our dead President McKinley would have been respected; the splendid plea of the late Chief Justice of England, in which he expresses in the strongest language, that her longer detention was a monstrous injustice on the part of England, and a reproach on her administration of justice, has not been answered, it remains a permanent and an ineffaceable record, which will endure long after she and the several Home Secretaries, who have ignored it, will be forgotten.

It is now almost universally conceded that the evidence in the case, when carefully analyzed and considered, as it was done by the committee of medical experts of the Medico-Legal Society, whose opinions, based on a careful study of the evidence, that Mr. Maybrick's death was not due to arsenic at all.

The action is not unlike that of Great Britain in their treatment of the American colonies that led to the Revolution of 1776.

It has also a resemblance to the same spirit of obstinacy and disregard of rights universally recognized, which resulted in the terrible humiliation England sustained in the late Boer War, not to speak of the enormous expenditure of money, and the still more terrible loss of some of the most precious blood of Englishmen.

It seems to be regarded as a virtue among a certain type of English statesmen and publicists, never to acknowledge a mistake or an error. Right and justice, as elements of governmental action, are not considered, nor even recognized.

We do not feel quite free to comment on some of the factors within our knowledge that have contributed to prevent the release of Mrs. Maybrick. Her son comes of age shortly. She has never been permitted to see either of her children, and her innocence of the death of their father has been concealed from them. This will now shortly end by the lapse of time and the progress of the years.

We think, with Edgar Saltus, that before the bar of the conscience of the world, as before the Bar, when in the not distant future, she will stand face to face with the Home Secretaries, who, one after another, have refused to listen to the universal appeal of men and women of all countries, that she can face them all with a clear conscience, and no one can say that her position will not be far better than any one of these, who have been parties to the terrible cruelty which has been heaped upon her, if innocent, as is the general belief of her countrymen.

THE MAYBRICK CASE.

COMMENTS OF THE AMERICAN PRESS.

There has been a very general condemnation by the press of the United States at the refusal of the English Home Office, to liberate Mrs. Maybrick.

We have not space for the one hundredth part of the criticisms of the American journals.

The New York Times of March 25, 1903, says editorially:

(New York Times, March 25, 1903.)

MRS. MAYBRICK.

For some thirteen years the case of Mrs. Florence Maybrick, imprisoned for life under commutation of a death sentence, has been a subject of intermittent interest on both sides of the Atlantic. The efforts made for her release by those who believed her the victim of a miscarriage of justice have been strenuous. Sometimes they have promised results; at other times they have met with every discouragement. To recount all this would now be unprofitable.

In speaking of her probable discharge next year, this journal says:

This announcement will be gratifying to a great many people who believe that Mrs. Maybrick was wrongfully convicted under the direction of a Judge who not long after died in an insane asylum.

Those for whom the subject has only the general news interest which attaches to the closing of an incident which they have heard more or less about for a long time will be apt to reason in this wise: If Mrs. Maybrick was properly convicted on sufficient evidence after a fair and impartial trial, and no new evidence has been brought forward entitling her to a new trial, should she be pardoned? If a doubt exists which is not sufficiently clear to establish the right of the prisoner to demand unconditional release as an act of tardy justice after years of wrong, but which still warrants the belief that she was improperly convicted, would not a new trial be the proper mode of procedure? If Lord Russell, Chief Justice of England, was right in 1895 when he wrote to the prisoner that she should not have been found guilty, why should her imprisonment be

continued until 1904, and the pardon to which she is entitled not be given to her at once? If she is being punished for a crime she committed, there is no good reason why that punishment should end next year. If she is suffering for a crime she did not commit, or if her conviction was an abuse of the judicial power and lacking warrant in the evidence, and she was deprived of the benefit of a reasonable doubt to which she was entitled, every day of her continued detention after the Home Office has become convinced of the propriety of her liberation, brings the law into contempt. This reflects the thought of the average citizen who does not pretend to understand the case from the point of view of the lawyer, but whose judgment in matters of equality is probably as good as our moral standards permit.

The Philadelphia Inquirer, in speaking of the case, March 25th, 1903, says:

(Philadelphia Inquirer, March 24, 1903.)

PARDON FOR MRS. MAYBRICK.

In cases where there is a reasonable doubt as to the guilt of a convicted person pardon is apt to be given after fifteen years' servitude. This, some way or other, does not seem logical. If there is any doubt worthy of consideration it would seem that the pardon should be granted at once instead of becoming a sort of compromise with life imprisonment, but life is too short to undertake to discuss the peculiarities of British customs which have lasted from time immemorial. The fact that Mrs. Maybrick has only one more year to serve will at least be gratifying to her friends.

The case is a peculiar one. In 1889 Mrs. Maybrick's husband died from what was said to be arsenical poisoning. Examination of the stomach showed traces of this form of poison, and Mrs. Maybrick was tried for murder. It was shown that he had been sick and that his wife had attended on his illness, which had suddenly terminated fatally to the surprise of nearly everyone. The sole suspicious circumstance was that Mrs. Maybrick was known to be unhappy in her relations with her husband and very happy in those with another man. The chief motive advanced at the trial was to the effect that Mrs. Maybrick thought much more of the man who was not her husband than of the one who was, and the claim was set up that she committed the murder to secure her freedom. The trial was swift and the decisions of the judge were such as to arouse unfavorable comment at the time. The judge died afterwards insane, and is believed to have been of unsound mind at the time of the trial.

After the conviction there was great effort to have Mrs. Maybrick released, but the sole result was a commutation to imprisonment for life. Since then, every juror and nearly every person connected with the conviction has signed a petition for her release, but all efforts have proved unavailing, though pressure has been brought that has probably never been exceeded in a similar case. The truth is Mrs. Maybrick was convicted of a crime for which she was not on trial, and there are few now who believe she was connected with her husband's murder, since it has been discovered that he used arsenic habitually. But such is the conversatism of Brit-

ish machinery of justice that fifteen years have been necessary to achieve what most persons think should have been done long ago. At least she has suffered enough. It is a pity that she has another year to wait.

The New York Journal (American), in its issue of April 13, 1903, published the following from the pen of Edgar Saltus:

(New York American, April 13, 1903.)

THE CASE OF MRS. MAYBRICK.

Mrs. Maybrick is to be released from prison next year. But why not at once? Or rather, why was she not released long ago? For that matter, why was she imprisoned at all? There are instances without end of judicial tyranny. Of these the majority are classic. In modern jurisprudence there is not one so revolting as this.

Mrs. Maybrick was tried for killing her husband; she was convicted and sentenced to death. Immediately the sentence was commuted to penal servitude for life, on the ground, if you please, that the prisoner was perhaps innocent of the crime, but not of the intent.

There you have an instance which we should call fine were it not fiendish—of a woman put away and put to work on a charge which had not been shown, and of which she had not been adjudged guilty.

Better for her had the sentence not been commuted. In that event she would have died but once. Instead of which, each day has been a separate death since then, and that is fourteen years ago. Torquemada never did better. However he tried, he could not have done worse. It will be seen, therefore, how far superior is the law of modern England to that of inquisitorial Spain.

But the point is elsewhere, or rather it is here. Maybrick was an arsenic eater. The local chemist had supplied him with the drug for years. When Maybrick died the autopsy revealed its presence. But there was no evidence whatever showing that it had been administered by his wife. It was shown merely that she could have administered it had she wished to. Whether or not she did so wish is beside the issue. It was not on that charge that she was tried. Yet because of the supposition that though she did not kill him she might have, for fourteen years the English authorities have held this American woman in jail.

The holding of her has, it is true, been of use to them. Mrs. Maybrick has been a model and more, a missionary prisoner. Such is the contagion of her goodness that women released from the hell where she is, go back and offer to serve her sentence. Which shows or seems to show that if there be no compassion in English law there is in human nature.

The New York Daily News, of March 24, 1903, said of her case:

(New York Daily News, March 24, 1903.)

Mrs. Maybrick will be released under the rule which permits the English authorities to free prisoners sentenced for life after they have served twenty years. Counting time remission for good behavior, Mrs. Maybrick's case will come up for consideration next fall, when it was announced decision would be favorable to her.

Thousands of American women and every President for the past fourteen years have been interested in Mrs. Maybrick's case. It was thought she was convicted unjustly and that the trial judge before whom she was tried was prejudiced against her. He instructed the jury to convict despite the evidence that her husband had been an arsenic eater for twenty years, and that there was nothing shown which proved that she ever administered any of the poison to him.

The judge died of paresis a year after the sentence.

The late President McKinley made a personal appeal in her behalf without avail. Petitions from men and women in this country and requests from American Ambassadors for her freedom were also ignored.

Upon her release from prison it is said Mrs. Maybrick will come to this country, where a large estate is awaiting her. Her lawyer, Clark Bell, of 39 Broadway, was not in town yesterday, and it was said at his office that he had gone away on business connected with the Maybrick case.

The Brooklyn Eagle, under date of March 23, 1903, says:

(Brooklyn Eagle, March 23, 1903.)

MRS. MAYBRICK'S RELEASE.

According to a London dispatch Mrs. Florence Maybrick will be released from prison in 1904. Most people will recall the circumstances of her arrest, trial and conviction, as well as the various attempts that have been made to secure her freedom. For the benefit of those who do not we may say that she was found guilty at Liverpool in 1889 of having poisoned her husband, but the element of doubt that the surrounded the case for the Crown led to a life of doubt that then surrounded the case for the Crown led to a life sentence only. Why the Home Secretary, if he be willing to set the woman free at all, should postpone action until next year, is passing strange. If the penalty is to be remitted why not remit it right away? Release at any time, however, does not necessarily indicate that the Secretary is convinced that conviction was not justified in the first instance by facts, but only that in his opinion the woman has already suffered enough. Life sentences do not always mean penal servitude until death, even in England, where the application of the criminal statutes is not much, if at all, affected by public sentiment.

The New York Tribune, of March 24, 1903, in commenting on her case, said in part:

(New York Tribune, March 24, 1903.)

TO FREE MRS. MAYBRICK.

Mrs. Maybrick, who was Miss Florence Elizabeth Chandler, and a member of a well known and prosperous Southern family, was married on July 27, 1881, in St. James' Church, Piccadilly, to James Maybrick, of Liverpool. She was then eighteen years old, vivacious and beautiful and a social favorite. Her husband was over forty years old. In the spring of 1889 Mr. Maybrick became ill, and in a few days he died. His brothers investigated his death and charged Mrs. Maybrick with the murder of her husband. A

long trial followed, and a number of doctors swore Mr. Maybrick died of arsenical poisoning. The defence proved that for twenty years Mr. Maybrick had been a confirmed arsenic eater, and that he daily took doses that would have killed a dozen ordinary men. Mrs. Maybrick was eventually sentenced to death by the judge, Sir Fitzjames Stephen, who spoke for two days in charging the jury, and who said it was impossible for them to find her guilty in the face of the medical evidence. He died some time later in a madhouse.

From the time of Mrs. Maybrick's conviction her mother, the Baroness E. von Roques, has been unremitting in her attempts to obtain the prisoner's release, in which she has been aided by influential friends on both sides of the Atlantic. In 1900, after the death of Lord Russell of Killowen, Chief Justice of England, a letter which he had written to Mrs. Maybrick in 1895 was discovered. It showed that the eminent lawyer was convinced that she ought never to have been convicted, and it has been generally understood that all the recent American Ambassadors to the Court of St. James have done everything possible to obtain Mrs. Maybrick's pardon.

The Evening Telegram (N. Y.) gave the most detailed statement of the case from which we make some extracts, and regret that we have not space for the entire article:

(New York Evening Telegram, March 23, 1903.)

Mrs. Florence Maybrick, the wife of Mr. James Maybrick, a prominent merchant of Liverpool, was arrested in the year 1889 upon the charge of causing the death of her husband by poison. She was tried and found guilty and condemned to death. This was afterward commuted to sentence for life to an English prison, where she has since been languishing, despite the most strenuous attempts to obtain her release.

Probably no woman in the world, from within the walls of a prison, ever attracted such universal sympathy or secured such efforts to obtain her release. These were largely due to the fact that she was convicted upon circumstantial evidence, and that even after conviction of the court there was room for suspicion that she was innocent.

Mr. Maybrick at the time of his death was upward of fifty years old. His wife was twenty-six. When they were married she was only eighteen. That she had lived a quiet, domestic life up to a short time before her husband's death was conceded.

For years Mr. Maybrick had been suffering from dyspepsia, he complaining of a constant headache, numbness of the limbs, &c. He also complained of a foul tongue, and this last peculiarity was afterward taken as evidence of arsenical poisoning. He employed other physicians besides Dr. Hopper and used copious quantities of medicine.

He was in the habit of dosing himself with dangerous drugs and boasted of his knowledge of medicine. Among the medicines which he had taken arsenic was undoubtedly included. It has been said by some that he was an habitual arsenic eater.

The autopsy was performed less than forty-eight hours after death. No arsenic was found in the contents of the body, and the

parts of the body removed by the doctors contained mere traces of the poison that were incapable of being weighed, but the body was subsequently exhumed, larger portions of it taken out, and the result was that about one-tenth of a grain of arsenic was ultimately found.

The defense contended that such a small quantity of arsenic would not have killed Mr. Maybrick, two grains being required for a fatal dose, and that a man accustomed to taking arsenic like Mr. Maybrick, would not have died from taking a minimum dose.

The trial was held in Liverpool, and resulted in Mrs. Maybrick's conviction. Her apologists explain this by saying that there was a prejudice against her in Liverpool, partly arising from her reserve at the preliminary inquires, and partly from the numerous and sensational reports circulated about her during the interval between her arrest and trial.

Mrs. Maybrick's case soon became an international one, and the American government was brought into it. On August 22, 1889, James G. Blaine, Secretary of State, cabled to Mr. Robert Lincoln, American Minister in London, instructions to intercede with Lord Salisbury for Mrs. Maybrick's pardon or reprieve. It was on the heels of this action by the American Secretary of State that the British government announced the commutation of Mrs. Maybrick's sentence to imprisonment for life, she having originally been given a death sentence.

On August 29, 1889, a large number of American women united in a petition to Queen Victoria for the release and pardon of Mrs. Maybrick. These petitions asserted that after reading the published evidence the signers were of one mind, "that she was wrongfully accused of the crime of murder, and is now unjustly confined and sentenced to a lifelong imprisonment for a crime that was never committed either by herself or any other person."

Mrs. Maybrick was connected by ties of blood with many families of the highest social position in this country, several of them being distinguished in public life and one of them a former Judge of the Supreme Court of the United States. This accounted for the great interest taken in her case by the women of America, who made repeated efforts to obtain clemency for her from the British government. So far did this feeling extend in this country that in August, 1891, Mrs. Harrison, the wife of President Harrison; Mrs. Blaine, the wife of the Secretary of State; Mrs. Foster, the wife of the Secretary of the Treasury, and Mrs. Rusk, the wife of the Secretary of Agriculture, united in a letter to Queen Victoria, urging upon her the insufficiency of evidence by which Mrs. Maybrick had been convicted and asking from the Queen a pardon and release for her.

Correspondence between the British and American governments continued through the Harrison administration and through the administration of President Cleveland following. Mr. Olney, Secretary of State, continued the efforts made by Mr. Blaine, and the State Department records are full of letters to the American Minister in London and replies from him bearing upon the case.

Clark Bell, Esq., of the New York Bar, in 1899 issued a pamphlet setting forth the efforts which had been made by the American government to effect the release of Mrs. Maybrick. This pamphlet

was issued in reply to criticism from certain quarters that America had not been doing all she should do in the matter. After summarizing the efforts of the government and quoting copiously from the correspondence of the State Department on the subject, in concluding Mr. Bell says:

"President McKinley has gone further perhaps, than any previous Executive, as he has asked the English government, through the American Minister, for the pardon and release of Mrs. Maybrick without reference to the question of her guilt or innocence, as an act of international comity, and this request has been made as strong as it is possible to make it, he being impressed with a belief of her innocence.

"The position of the English government is that under their laws and usages the pardon of Mrs. Maybrick rests alone with the Home Secretary; that not even the Queen herself has power in such a case; that her power can only be exercised upon his recommendation; that the appeals by our Presidents, the Cabinet Ministers and the wives of the Presidents and our Ministers cannot be shown to or considered by the Queen, and that the well-known fact that members of the British government and high public officials personally favor her pardon is of no avail."

Mrs. Maybrick, who is the daughter of the Baroness de Roques, was born in Mobile, Ala., and married James Maybrick in 1880. He was then a cotton buyer, living in Norfolk, Va. He subsequently returned to Liverpool, his native place, and died there in May, 1889. They had three children. Her trial on the charge of poisoning her husband began on July 31, 1889, and eight days later she was convicted and sentenced to death. Her conviction aroused great indignation on both sides of Atlantic, and a petition bearing 50,000 names was sent to the Crown, asking her pardon.

The Vancouver Daily Ledger, B. C., of May 4th. 1903, contains a very able and elaborate criticism on the whole case, written by Frank Richards, F. I. A. S. I regret that I have not space for it all, from which I take a few extracts:

Although there was no murder in the Maybrick case, it is no less a tragedy. It is difficult to imagine a greater tragedy than that a wife and mother should be condemned to death for the murder of a husband whose death was, in a great measure, due to his own errors and gastro-enteritis, caused by dyspepsia. What greater tragedy could well be imagined than that a devoted mother should be snatched away from her little ones and condemned to imprisonment for the rest of her "natural" life? What greater tragedy than that a husband's brothers should instil into the hands of the little boy and girl the story that their mother had murdered their father and was a felon whose face and voice they must ever forget? The boy is now a man; at the time of this terrible mistake he was seven years old. The last that Mrs. Maybrick saw of her little ones was when she kissed them as they slept in their little cots in the well appointed nursery at Battlecrease house. What must have been her agony in the long and silent nights which she passed in the condemned cell? The cell was so close to the place of execution that she could hear every stroke of the carpenters' hammers as

they drove every single nail into the structure erected to carry out the verdict of a jury wrongly directed by a mad judge who shortly afterwards died insane. That was a tragedy.

Now for the burlesque. The English government has agreed to liberate this prisoner condemned to death by a madman holding office and surrounded by all the pomp, power and majesty of the law. Because the evidence did not wholly exclude a reasonable doubt whether in fact the man was murdered, she was committed to prison for the rest of her "natural" life for a crime for which she was never tried. Now contrary to all custom law, or precedent, she is to be liberated in July, 1904, forsooth, because she has attained a high record for good conduct." If Mrs. Maybrick had been guilty of the death of her husband, it was one of the most foul murders ever committed and so long as the British law remains as it is at present, she ought to have been hung. As she is not guilty, then she should have been liberated. To liberate a prisoner, who, if guilty, should have been executed, forsooth, because she "has attained a high record for good conduct," is a lame way of avoiding the main question. "Is Mrs. Maybrick guilty or innocent of causing the death of her husband?" But so conclusively has her innocence been proven to the executive of the British government that they have no other alternative than to liberate her. So tardy, however, and reluctant are they to admit error, that they make the paltry excuse that she has been so good in prison they are willing to let her go.

According to English ideas, the King can do no wrong, and as he is the head of all law and order, it is necessary to "pardon" a prisoner who may be found innocent before he or she can be liberated. During recent years men have been condemned to death and afterwards been found to be innocent. They have been "pardoned" and compensated. Notably the Habron case. But in Mrs. Maybrick's case she has always refused to be "pardoned" for a crime which never was committed. The Lord Chief Justice, of England, said the continued imprisonment of Mrs. Maybrick was a disgrace to the administration of the law in England.

"Call me guilty,

I do but pay the tax that's due to Justice,
But call me guiltless, then my imprisonment
Is shame to those alone who inflict it."

If a case is tried in the civil courts in England and the jury are wrongly directed, then that case, even, if only half a dollar is the amount in question, may be carried from one court to another until the House of Lords is reached, which is the highest tribunal in the land. Judgments are therefore often reversed more than once in the passage of the case through the various courts. In the case of the life or death of a man or woman no such procedure exists. Property in England is considered more sacred than human life and liberty. If there had been in England a statesman with sufficient moral courage to do right against all precedent, then Mrs. Maybrick would have been liberated fifteen years ago.

* * * * *

The trial took place in the Liverpool Assizes before Mr. Justice Stephen, on July 31st, 1889. The jury brought in a verdict of "guilty" without any recommendation to mercy on August 7th,

1889. The people of the United Kingdom were so dissatisfied with the verdict that they signed over three thousand petitions and nearly half a million signatures were sent to Home Secretary Matthews, who, "after the fullest consideration and after taking the best medical and legal advice," advised Her Majesty to "respite the capital sentence because the evidence does not exclude a reasonable doubt whether James Maybrick's death was in fact caused by the administration of arsenic."

The order of the court is dated August 22nd, 1889, and sets out the fact that "Florence Elizabeth Maybrick has been sentenced to death and that the court has allowed to the said offender the benefit of a conditional pardon, and it was therefore ordered that the said Florence Maybrick be kept in penal servitude for the rest of her natural life."

A sentence for life means generally a sentence for twenty years, and often much less, depending chiefly upon individual circumstances in the case; but in the case of Mrs. Maybrick she must have remained in penal servitude for the rest of her "natural" life unless the American people had awakened to the sense of their responsibility and demanded simple justice at the hands of the British government who have agreed to liberate her.

This prisoner should have been liberated immediately upon the decision of the Home Secretary being made known. The judge had laid down the principle: "It is essential to this charge that the man died of arsenic poison. If you think he died from some other disease, the case is not made out against the prisoner." The Home Secretary said, "there was a reasonable doubt, whether in fact before either his death or illness, James Maybrick died from the effects of arsenic." Had there existed in Britain any legal machinery by which these facts could have been brought before a court, on a writ of habeas corpus, or on any other process, then Mrs. Maybrick would have been liberated. This was the view held by the Lord Chief Justice of England, Sir Harry Poland, Q. C., and other able men."

It now remains to show how illogical and unjust the English government have been and are, in detaining a prisoner admittedly innocent of the crime for which she was condemned.

The most important issue in an alleged poisoning case is as to whether the deceased came to his death through the wrongful administration of poison. Therefore all poisoning cases must stand or fall, to a very large extent, upon the testimony of medical and analytical experts; especially where there is no direct evidence of administration. In this case it is necessary that the evidence of the medical men, experts, analytical chemists, and the nurses should be considered. It is intended to treat the public as a tribunal competent to decide the issues in question, and in order to do so, only the most important evidence will be submitted. It has been said that "Truth is greater than all law and must prevail. Laws are sometimes antagonistic to justice and justice sometimes has to take a back seat, yet truth ultimately comes forward and leads justice to the footstool of mercy and right at last prevails."

Every statement made will be supported, either by evidence given at (a) the coroner's inquiry, (b) the magisterial investigation, or at (c) the assize trial.

The official copies of the depositions, verbatim report of the "summing up" of Mr. Justice Stephen. "Notes" and "brief" for counsel and other documents, including many official and authentic papers are lying on the desk. Some of these facts recorded in the documents have never been published, but they have been used in diplomatic and other communications between the British and American governments. Some are still considered "secret" and cannot be disclosed but sufficient use can be made of the others to establish, finally, in the minds of all thoughtful and unprejudiced persons, the innocence of Florence Elizabeth Maybrick.

In respect to the arsenic and other drugs administered to Mr. Maybrick by his physicians, from May 6th to the time of his death, May 11, Mr. Richards says:

As to the question of administering arsenic with criminal intent, by the prisoner, there is absolutely no evidence. No one ever saw Mrs. Maybrick administer the arsenic to her husband. If she had given him arsenic on the Sunday, Monday or Tuesday before his death, she would have been acting strictly in accordance with the directions of his medical men who made up the prescriptions containing eighty doses of arsenic-potash, some of which he gave to James Maybrick himself, and left directions for him to have the other at regular intervals. It was not shown that she gave him any of this medicine, but the fact remains that James Maybrick did have it. It is also clearly set out that he had too much, because he complained that it burnt his throat, and in consequence, Dr. Humphreys says, that he threw it away. This accounts for the trace of arsenic found in the drains.

Although such an infinitesimal quantity of arsenic was found in the body, it was more than accounted for by the arsenic given by Dr. Humphreys.

It was argued that the arsenic, administered by Dr. Humphreys on Sunday and two following days previous to the man's death on the following Saturday, could not have been the cause of the trace of arsenic found in the liver.

By advancing such an argument, the crown, instead of assisting their own case by making such an absurd assertion, proved Mrs. Maybrick's innocence of the crime, which they endeavored to support by evidence of a slight trace of arsenic found in a remote part of the body. If their statements were correct, if James Maybrick did have arsenic within three or four days of his death, it could not have been given to him by his wife, because she was not allowed to give him any food or medicine, after 2 o'clock on Wednesday afternoon, 8th of May. Nothing was administered to the patient except by the nurses who were put in charge of her husband by those who were manufacturing a case against her.

* * * * *

In the case of James Maybrick the doctors gave bismuth, arsenic and antimony within the space of six days.

Dr. Humphreys stated "The arsenic I prescribed would certainly leave no trace in the body after two or three days." James Maybrick died on the 11th of May, and the doctor administered arsenic on the 6th of May and the two following days. Dr. Humphreys said, "There were about eighty doses altogether in the medicine

glass. I know that three doses were taken." He does not limit them to three. He threw this arsenic away himself. This medical man, herefore, comes to the conclusion that James Maybrick had been poisoned because evidence of the irritant had been found in the body after death, notwithstanding that he administered more than sufficient to account for a trace of arsenic said to have been found. This is almost too absurd to discuss further with intelligent persons.

* * * * *

Mr. Richards reviews this branch of the case with great ability and at great length. We cannot give all his argument, but he concludes as follows:

There can be no doubt whatever that the trace of arsenic found in the body was some of the eighty doses made up by Dr. Humphreys.

Before any person should be convicted it should:

1. Be proven that a crime has been committed.
2. That the accused is the person who committed the crime.

In this case it is now accepted as a fact that the crime of murder was not committed. The evidence of a crown witness should be counted for the defence, and it should not be possible to eliminate the opinion of experts called for the crown when they point to the innocence of the accused.

Mr. J. L. F., writing to the *Scottish Leader*, says: No reader could fail to note that a certain portion of Dr. Stevenson's evidence for the prosecution indirectly clears Mrs. Maybrick from complicity with the crime, if crime it was, and tends equally to prove that Mr. Maybrick could not have died from arsenic if Dr. Stevenson's assertions as to the action of arsenic are correct. In answer to the prosecuting counsel Dr. Stevenson said that a fatal dose of arsenic (viz., 2 grains) will "kill in from six to twenty-four hours; twelve hours is a very common period." As regards small repeated doses, he said, "if a second dose were given before the first had practically disappeared from the body, the effects of the second would be added to the first, even if the effects of the first had disappeared. If a second large dose be given, "the patient, weakened by the first, will be more liable to suffer from a smaller dose given a second time; that is to say, the same amount would not be required to kill in the second dose, I believe. Dr. Carter, in his evidence, judged that the fatal dose must have been given on Friday, the 3rd of May, but a dose might have been given after that." Mr. James Maybrick died on the evening of the 11th of May. Evidently, therefore, if Dr. Stevenson be correct in alleging that a fatal dose of arsenic kills generally in from six to twenty-four hours, Mr. Maybrick cannot have swallowed a fatal dose on the 3rd of May and survived it eight days. If Dr. Stevenson be correct in his assertion that the effect of a second dose before the first had disappeared would be to add to the force of the second dose to the first, and thus together produce death in twenty-four hours, it is perfectly clear from the evidence of the nurses, acting under Mr. Edwin Maybrick's instructions, that from Wednesday afternoon until the Saturday of Mr. James Maybrick's demise, Mrs. Maybrick had no opportunity whatever to administer anything whatever to him; and

so, even if a small dose, cumulatively fatal, were given her husband by Mrs. Maybrick on Wednesday morning, he must have survived it more than three days and night, which is treble the twenty-four hours fixed by Dr. Stevenson as the limit for fatal results.

[Note by the Editor.—Mr. Richards did not have the benefit of the very able article by Dr. Harriet C. Keating, which gave an exact and detailed statement from the evidence of the attack, which followed Mr. Maybrick's exposure at the Wirral races, which he attended on April 27, 1889. His fatal illness commenced April 28, and in which she shows beyond a question that his death was not due to arsenic. She shows what poisons were given to him by his medical men, exactly from their evidence. Nor has he seen the carefully prepared statements of the most eminent medical experts selected by the Maybrick memorial committee, who gave a carefully prepared, expert opinion in which they certify that they had carefully read all the evidence taken at the inquest and before the magistrates and on the trial of the action, and that they were of the opinion, based upon that evidence, that the death of Mr. Maybrick was due to natural causes and was not due to arsenic.

These opinions were forwarded through the Government of the United States to our Minister at the English Court, and by him handed to the English Home Secretary. These certificates and opinions have not been printed because up to the present moment no definite action was ever taken upon them by the then Home Secretary, Sir Matthew White Ridley, whose removal was so sudden and unexpected, and before the application could be renewed before his successor, which was nearly ready when the death of the Queen occurred, making it, as thought, impolitic to renew the application; the accession of King Edward VII.; the doubt as to whether he would assume the royal prerogative which he was entitled to assert under the British Constitution, and the result of which could only be conjectured, and which he has thus far shown no disposition to assume, so that no new proceeding has been instituted by Mrs. Maybrick's counsel, and although eminent English jurists have been consulted as to the advisability and propriety of further legal proceedings, none have thus far been decided upon.

LUNACY REFORM.

Governor Odell has established his claim to the title of the assassin of lunacy reform beyond a doubt or a peradventure.

There is nothing in his power to do that he did not accomplish to defeat the wishes and the hopes of those who desired a reformation of the lunacy statutes.

The care of the insane institutions, and of the insane themselves, is now as much within the lines of political partisanship, and as far removed from what it should be, as it is possible to imagine. Governor Odell has turned back the shadow on the dial of progress of lunacy reform in the Empire State as far as it is possible to conceive, and the friends of the insane must wait until a complete revolution in the present vicious political system occurs, before any adequate remedy can be hoped for. The majority against Governor Odell in Greater New York at the last election was enormous, phenomenally so. If he is ever a candidate before the people again this majority will be very largely increased, beyond a peradventure.

THE ABOLITION OF THE OFFICE OF CORONER.

It will be next to impossible to explain to those outside our State how this measure, which had the endorsement of a large majority of the people of the State, and in fact of the members of the Legislature itself, failed to become a law.

It was due to the fact that the measure had been placed by its friends in charge of Senator Elsburch. It finally became to be regarded as his measure. He had antagonized

the leaders of his party on matters of political control, and was in rebellion against the dominant control in his party organization. It is beyond a question that the Coroner's Bill was defeated entirely outside of its merits, and purely as discipline to him for his antagonism to the party leaders of his party in the State.

It was a misfortune to the Coroners Bill that it was in charge of Senator Elsburg, and fatal to its success, that it was so identified with him personally, that this could be used as a punishment by those in control, for his action on matters entirely outside of the bill and which had no relation to its merits.

The Coroner's Bill went over at the close of the session in this extraordinary way, but will, of course, come up another year.

TEXAS SANITARIUM FOR CONSUMPTIVES.

We congratulate the cause of sanatoria that Texas is to be added to the list of States which have established sanitariums for consumptives.

Its board of directors is a guarantee of good work. M. M. Smith, of Austin, is one of the nine councilmen of the American Congress on Tuberculosis, and is sure of re-election at the annual meeting in June. T. J. Bennett, of Austin, has been for years identified with sanitary work in Texas, and his name will be before the annual meeting for an official position on the Board for 1903-4. Dr. T. J. Wilson, of Sherman; J. W. McLaughlin, of Galveston, and Ralph Sterner, of Austin, are other members of the board.

The Lone Star State is in line. Its climate is ideal, and we do not doubt that with such a board, Texas will show good work in the future.

THE AMERICAN CONGRESS ON TUBERCULOSIS.

The annual meeting of this body for the election of officers for the ensuing year was called for June 10, 1903, at the New York Press Club, 116 Nassau Street, at 2 o'clock P. M., by the newly organized council, at its meeting on the 6th of May, 1903.

Members not attending are authorized to vote by proxy.

The indications all point to a very complete change in the management and the board of officers. The Council have suspended the late secretary, Geo. Brown, M. D., of Atlanta, Ga., by a unanimous vote, for reasons which they sent to all the members of the organization.

He had procured a charter, or act of incorporation, under the same name with a slight addition of the words "for the prevention of consumption," and went to work to effect a new organization under this charter, selecting such of the former officers and members as were satisfactory to himself and two or three of his confederates, and eliminating such as they decided to ignore and exclude.

Dr. A. N. Bell, formerly the president of the body in 1900, and its honorary president, elected in 1900 and re-elected in 1901, first honorary president, editor of the "Sanitarian," and the oldest and highest sanitary authority in the United States, was decided to be dropped.

It was also agreed that none but medical men should be allowed in the management or in the body itself.

All allusions to the splendid array of honorary vice-presidents, who had been selected before the session of the Congress of 1902, and who had accepted, and who were re-elected on June 4th by the unanimous vote of the Congress, were ignored.

The vice-presidents at large were also to be ignored and dropped. All were men of character, standing and influence in the nation, and most of them men who had been connected with and had taken an active part in the previous work and history of the body; not one name of all these vice-presidents at large was retained, all ignored, except Dr. E. J. Barrick, of Toronto, who had been elected Third Vice-President by the Congress itself on June 4th, and who could not be ignored, and who was not understood to be in sympathy with the movement, nor in the confidence of its prime movers.

The Congress on June 4th had unanimously elected the vice-presidents of the several States, of which a list was published in the June number, 1902, of the Medico-Legal Journal, all of which were ignored.

The Congress had also by unanimous vote, on June 4th, continued in office its Executive Committee, its Auditing Committee, and its Committee on Censorship, and by unanimous action had adopted a plan and basis of organization for a governing council of nine members, of which the President and First Vice-President were to be ex officio members, but neither of the other four vice-presidents were to be members, but by unanimous action had amended the basis of organization so as to make the secretary and treasurer both ex officio members of the Governing Council, but the Congress neglected to elect these nine councilmen, and the work of the body and its management fell under the basis of organization, upon the executive committee, until these councilmen were chosen, elected and organized. Delays of various kinds occurred so that it was May 6th before that council organized and took action.

Meanwhile that committee learning of the designs of Dr. Brown and his associates, were compelled to suspend Dr. Brown for action and conduct which they fully explain in their report to members, and to place Samuel Bell Thomas, Esq., in the office of Secretary.

The annual election will probably settle most of the questions; with the exception of Dr. E. J. Barrick, of Toronto, not a man had been elected to the offices, aside from Dr. Brown, who had ever been identified with the work of the body. The president, Dr. Daniel Lewis, had never attended a session of the Congress, and while announced to preside and make an address at the Congress of 1902, with his assent and approval, he did not appear at all, nor send word to the officers that he would not do so.

After the Congress adjourned on the day he was announced, he came into the hall and stated to the President and Secretary that his absence was the result of a mistake on his part and to his not receiving his notices in time, but he did not attend the banquet nor take part in any session of the Congress thereafter, although he stated that he should do so.

The circular issued by Dr. Brown and for which he was suspended, contained allegations that were entirely untrue, and stated that it was issued on the authority of Dr. Lewis.

If Dr. Lewis did, in fact, authorize it, he authorized the statement of untruths as to the action of the body, and neither he as President, had any authority to issue or authorize such a circular, nor the secretary any right or power to send it out. Dr. Brown's suspension followed.

If Dr. Lewis did authorize it no proof was laid before the Executive Committee or Council, or he would undoubtedly have received the unanimous censure of the Council.

If Dr. Geo. Brown or Dr. Daniel Lewis desire to organize an incorporated body to carry on the work of fighting tuberculosis, and limiting its labors to medical men alone, and to eliminate all the Governors of States, statesmen, lawyers, jurists and others, they certainly have the right to do so, but they have not the right to work such a revolution as has been attempted with an organization towards which they never contributed a penny of money or an hour's labor, and Dr. Brown's fate was well deserved, and if Dr. Lewis was, as it looks, a party to the movement, he merits and will doubtless

share the fate of Dr. Brown, so far as this organization goes.

The members of the body have very generally endorsed the action of the Executive Committee in suspending Dr. Brown from further action, and the annual meeting will determine whether the members sustain Dr. Brown and Dr. Lewis, or the Governing Council.

It is to be regretted that such an unseemly contest has arisen, but there is room for all those who have been connected with the work of the body in the past to continue its work.

It would be a strange state of affairs, if, by filing a certificate of incorporation, slightly changing the name of the organization, or by calling it "The New American Congress on Tuberculosis," they could reap the fruit of the labors of those who had borne the labor and carried the Congress to the results it has attained.

Still Dr. Lewis and Dr. Brown must be conceded to have the right to organize a movement to suit themselves, and to exclude legal men and statesmen, and to confine their work to the medical aspects of the subject. They may accomplish some good, but this body was organized on much broader lines, and the legal and legislative questions it presented and discussed, were on the broadest, most comprehensive lines of any question in forensic medicine in our day. We do not think the members of the body will be in sympathy with the present movement announced by Dr. Brown and Dr. Lewis, and we do not think they will be sustained by the members of the American Congress on Tuberculosis.

THE NEW AMERICAN CONGRESS ON TUBERCULOSIS.

Dr. George Brown, who had been suspended from the office of Secretary of the American Congress on Tuberculosis, for issuing a circular containing a misrepresentation of facts, and without authority from the management, by a unanimous vote of the Executive Committee of that body, which action was unanimously approved by the Governing Council, when it organized on May 6, 1903, has, with some of his sympathizers, decided on forming a new organization on strictly medical lines, to admit only medical men to membership and not to recognize the officers who were elected at the session of the American Congress on Tuberculosis in June, 1902, as Honorary Vice-Presidents, Vice-Presidents at large, thirty-six in number, from the various States of the Union, nor the Vice-Presidents from the States and Provinces, who were selected with one jurist or layman as far as practical, and to have a council of one man instead of nine, in addition to the executive officers.

They have issued a call and sent it to such members of the American Congress on Tuberculosis as they desire to be associated with the movement, addressed to the medical profession, from which we make extracts through the courtesy of one of the members of the Council of the American Congress on Tuberculosis to whom it was sent. It is headed:

"An Invitation to the Members of the Medical Profession
Who are Interested in the Study of, or Prevention of Tuberculosis."

"Dear Doctor:—You are cordially invited to become a member of The New American Congress on Tuberculosis, which is being organized for the purpose of holding an In-

ternational Congress on Tuberculosis in the United States, probably in 1904, at St. Louis.

"Will you not contribute a paper to such a meeting?"

It announces a board of officers of nine names only, and an advisory committee of thirty-four members, on which Dr. J. A. Egan, Dr. Irving A. Watson, P. H. Bryce, Frank Paschal and Dr. Henry D. Holton's names appear, who are officers of The American Congress on Tuberculosis, and six other names of members of the American Congress on Tuberculosis, of whom we know that some of the names are used without authority, and the notice and appeal is signed by Daniel Lewis, M. D., of New York, as President, and George Brown, M. D., of Atlanta, Georgia, as Secretary.

The name of Dr. Chas. O. Probst, of Ohio, is omitted from the list of officers previously announced by Dr. George Brown, and the name of Dr. A. N. Bell, first honorary President of the American Congress on Tuberculosis, and the Nestor of American sanitariums, is omitted from the advisory committee or the board of officers, as is also omitted all the thirty-six names of the Vice-Presidents at large, elected in 1902, except three, and with the exception of seven names, all the Vice-Presidents elected as Vice-Presidents of the States, elected at the annual meeting of 1902, over one hundred in number, and of the sixty-two Honorary Vice-Presidents elected in 1902, the name of only one is retained, Surgeon General Rixie.

In the list of nine officers the names of Dr. E. J. Barrick and Dr. Henry D. Holton are the only ones retained who did any work in the Congress of 1902, all the others being new names; and in the advisory committee only six names are retained who ever did any work at all in the early history of the organization, including the work of the session of 1902. We give the authors of this appeal the benefit of publishing their appeal. It makes no explanations of or apologies for the elimination of this large number of names who

have built up the body to whatever position it has held, and for the work it has accomplished.

It is doubtful if such a movement, thus organized and on such narrow lines, strictly limited to medical men and confined to the medical issues involved, can assume public importance.

The questions involved in preventive legislation are the foremost questions now before the public mind, and need the highest order of legal talent and the most active aid of the skilled athletes in statesmanship in the State legislatures.

The medical question of "Treatment of Tuberculosis," outside of its relation to legislation in aid of State and municipal sanatoria, is quite insignificant in the pending discussion.

The promoters of this appeal take too narrow a view and are on too low a plane for the actual exigencies of the hour. We do not attach the importance to it that perhaps it deserves.

What effect will it have on the work that now lies before the American Congress on Tuberculosis? That is the question. The annual meeting is announced for June 10, 1903, and the selections then made and the plans adopted will decide how far the effort, which seems to have been confined to a few individuals, will serve to injure, hinder, delay or obstruct the great labor which was bestowed upon the American Congress on Tuberculosis, which culminated in June, 1902, in the splendid success that crowned the efforts of the leading thinkers and workers of the Medico-Legal Society, who not only originated the American Congress on Tuberculosis, but brought it into tangible life and shape and recognition.

The present indications are that almost an entire new board of officers will be chosen, with a governing council of nine members, president and five vice-presidents, a secretary and treasurer, with honorary presidents and standing committees on the leading subjects, to culminate in a Congress at St. Louis in 1904, on lines as broad as those laid down at the Congress of 1902, and not confined to the medical questions, to which this call announces for "The New American Congress on Tuberculosis."

AMERICAN CONGRESS ON TUBERCULOSIS.

Office of the Secretary, 290 Broadway.

May 6, 1903.

The newly elected governing council met to-day and organized with Moritz Ellinger, Esq., as chairman, and Samuel Bell Thomas, Esq., as secretary.

The full board were in attendance or represented by proxy. The President and First Vice-President did not attend.

The following were present in person or by proxy:

Moritz Ellinger, Esq.

Dr. A. N. Bell, of Brooklyn.

Dr. M. M. Smith, of Austin, Texas.

Dr. A. P. Grinnell, of Vermont.

Dr. Henry McHatton, of Georgia.

Dr. J. W. P. Smithwick, of North Carolina.

Dr. J. Mount Bleyer, of New York.

The death of Dr. Charles F. Ulrich in February, 1903, was announced, and a committee named on appropriate action.

The action of the Executive Committee was unanimously ratified and approved in suspending Dr. George Brown from the position of Secretary, and the election of Samuel Bell Thomas, Esq., as Secretary of the Congress in his place and stead.

The Council by unanimous action issued a call for the annual meeting of the Congress to be held in the City of New York on June 10, 1903, for the election of officers for the ensuing year, and appointed standing committees, and a committee to prepare By-Laws. A large number of prominent members were in attendance at the session. There was great interest felt in the work, and plans adopted to enlarge the numbers and usefulness of the Society.

Ex-Coroner Ellinger was unanimously elected chairman of the Governing Council, and Samuel Bell Thomas, Esq., Secretary.

The Executive Committee with Clark Bell as chairman, the Committees on Censorship and Auditing of Bills, were continued until the annual meeting; the standing committees were organized and a Committee of Arrangements made for the annual meeting on June 10, 1903.

A resolution was adopted accepting the offer of the Medico-Legal Journal to furnish every officer, delegate and member of the Congress of 1902 with the Bulletin of the last Congress at half price, and a certificate of membership full paid for 1903, who remitted \$1.50 to the Medico-Legal Journal, or to any of its officers of the Congress, for its account in payment for said Bulletin.

The Council adjourned subject to the call of its chairman, Moritz Ellinger, Esq.

SAMUEL BELL THOMAS, Secretary.

American Congress on Tuberculosis.

SUPREME COURT NOTES.

APPELLATE DIVISION—SECOND DEPARTMENT.

Governor Odell has re-appointed Judges John Woodward and Willard Bartlett to succeed themselves as Judges of this Appellate Division. These appointments are in accord with the general sentiment of the Bar in the Second Department.

Both these Judges have given great satisfaction, and their re-appointment is a graceful recognition of the popular sentiment in favor of their judicial actions.

By an amendment to the Constitution, ratified by a vote of the people at the fall election of 1902, under the act of the Legislature, an additional Judge was provided for the Second Department, Appellate Division.

The designation was made by Governor Odell and his selection was Hon. Warren B. Hooker, of Fredonia, of the Eighth Judicial District, who took his seat on that Bench at the term of the Court. We shall publish a sketch of Judge Hooker and shall add his portrait to the group of the Judges of that Bench.

APPELLATE DIVISION—THIRD DEPARTMENT.

The resignation of Judge Edgar L. Fursman from this Bench and from his seat in the Supreme Court, left a vacancy which has been filled by the designation of Judge Alden Chester, of Albany, N. Y., to sit on the bench of this tribunal.

This is a well-deserved recognition of the merit and judicial judgment of Judge Chester. We shall present a sketch of his career and shall place his portrait in the second edition of the Group of the Judges of the Appellate Division in the Third Department for 1903.

LUNACY IN SCOTLAND.

The 45th annual report of the Scotch Lunacy Commission is before us.

On January 1, 1903, the total of the insane of Scotland (exclusive of those maintained at home), was 16,658, showing an increase of 370 since the preceding year's statement.

DR. HENRY McHATTON.

We congratulate the State of Georgia that it has selected one of its ablest and most gifted physicians as the President of the State Medical Society of that progressive State.

Dr. McHatton is one of the best informed medical men of that State. His paper at the American Congress on Tuberculosis attracted earnest attention.

He was elected one of the Vice-Presidents of the American Congress on Tuberculosis for the State of Georgia, with Dr. Richard J. Nunn, M. D., of Savannah; Dr. Arthur Van Dyke, of Atlanta, and Hon. T. B. Fetter.

He was subsequently elected one of the nine members of the governing council, a position he now holds, but which we fear he will not act in for another year, as it would interfere, or might do so, with his official relation to the State Medical Society of the State. Georgia had the largest delegation at the American Congress on Tuberculosis of any State outside of New York. Some of its ablest men, Dr. T. M. McIntosh, of Thomasville; Dr. L. P. Hammond, of Rome; Dr. Alfred Mack, of Hawkinsville; Dr. M. F. Carson, of Griffin, were all present and did earnest work.

Dr. McHatton is the ablest man on the medical side on the proposed State Board of Health for that State.

Dr. Hicks, of Dublin, ex-President of the State Medical Association, is chairman of the official committee of the State for the new proposed State Board of Health, and Georgia has strong men in the medical profession who have recognized positions on this subject like Dr. R. J. Nunn and Dr. Brunner, of Savannah, and Dr. Baird, of Atlanta, whom we hope to see identified with the new State Board.

RECENT LEGAL DECISIONS.

Governor Heber M. Wells, of Utah, vetoed a bill known there as the Osteopath Bill, on March 16, 1903.

MASSACHUSETTS MEDICO-LEGAL SOCIETY.

The annual meeting will be held at Sprague Hall of the Boston Medical Library, 8 The Fenway, on Tuesday, June 9th, 1903, at 1 o'clock P. M. The following papers were read:

"Historical Notes on the Laws Governing Civil Malpractice in Ancient Times and the Middle Ages," Dr. Charles G. Custom. "The Bitzer Homicides," Dr. E. B. Lane, Dr. George P. Twitchell. "What Was the Cause of Death?" Dr. A. Elliot Paine.

The Track of a Pistol Bullet Through a Brain. (A brain preserved by Kaiserling's method.) Demonstration by Dr. Wm. F. Whitney.

Attorney General Herbert Parker will address the meeting.

TUBERCULOSIS HOSPITALS OR CAMPS IN
NEW YORK.

The bill known as the Goodsell-Bedell Bill, which prohibits the establishment of any hospital or camp for consumptives in any town of the State without the formal consent of the Supervisors of the County and the town board of the town, has become a law.

Governor Odell signed the bill after the adjournment of the Legislature, and filed a memorandum with the bill, in which he said:

"This is a bill to regulate the establishment of tuberculosis hospitals in the various counties of the State by the municipalities, corporations, associations, or individuals. It seeks to prevent the erection of such hospitals without the consent of the Board of Supervisors of the county or the Town Board of the town in which the hospital is to be erected. It does not apply to the State, and therefore, in no way interferes with the tuberculosis sanitariums which are now under way and which are to be continued as the future policy of the State for the treatment of this disease:

"Under existing law municipalities of the first class are not permitted to establish such hospitals outside of their own limits in cities or incorporated villages or in towns without the consent of the local Board of Health and the approval of the State Commissioner of Health. This bill substitutes for the State Commissioner of Health the local Board of Supervisors of the county and for the local Board of Health the Town Board, thus making secure to the localities the same home rule principles which are guaranteed to cities of all classes. Under these conditions it does not prevent the location within the State of hospitals for the treatment of tuberculosis, and but slightly broadens the protection of town and property interests. In thus making provisions for safe-guarding these interests, there has been no material change from the existing law, and unnecessary burdens have not been placed upon municipalities or those who desire to establish such hospitals.

"The same Legislature which passed this bill also authorized liberal expenditures for the establishment of a tuberculosis hospital upon its own ground in the Adirondack region, and proposes to make provision for the care of all patients that may be sent there by the various municipalities. There is no interference with the rights of those who do not desire to take advantage of charitable treatment, and who are able to provide from their own means for their care and treatment. I cannot see that any great injury will result to the work which the State and individuals have undertaken. On the contrary, I can see very urgent reasons why the property interests and rights of individuals which are safe-guarded in this act should receive the thoughtful consideration of the Legislature and the Executive.

"After viewing the bill from all standpoints and consulting with those who are interested in this work, as a matter of equity and justice, I have concluded to approve the bill."

THE AMERICAN CONGRESS ON TUBERCULOSIS. SESSION OF 1904.

The meeting of the American Congress on Tuberculosis has, by resolution of the Congress itself, been fixed for the City of St. Louis in 1904, on the occasion of the Exposition there. The dates fixed for the meeting, and the personnel of the local committee of arrangements, will be made by the governing council and announced later.

Members and delegates who will contribute papers to be read at that Congress will please send their names and addresses to the president, Dr. E. J. Barrick, at Toronto, Ontario, or to the secretary, Samuel Bell Thomas, Esq., 294

Broadway, New York City, with the title of their paper, so that early classification can be made.

The Bulletin of the American Congress on Tuberculosis of 1902 will shortly be ready for subscribers and members who enrolled.

It is suggested now that all obstacles to the success of the Congress are removed; that all members of the body and all others of the medical or legal profession, or of the general public, who take an interest in the work of the body, commence work at once to make the meeting at St. Louis in 1904 in every way a memorable occasion.

THE ST. LOUIS EXPOSITION OF 1904 AND THE AMERICAN CONGRESS ON TUBERCULOSIS.

At the annual meeting of the American Congress on Tuberculosis, held at the City of New York, June 10th, it was the unanimous vote and voice of all the delegates present, and those who sent their proxies, that the next meeting of the Congress be held at St. Louis at the Exposition.

The resolution voicing this action was adopted unanimously, and all the officers and committees were instructed to devote all their efforts and energies to make the meeting memorable and successful.

The medical profession will be invited as well as the legal, and the laity who take an interest in the subject to co-operate.

Those wishing to contribute papers can send their names and the titles of their papers to the president, Dr. E. J. Barrick, of Toronto; the secretary, Samuel Bell Thomas, 290 Broadway, New York, or to Clark Bell, Esq., 39 Broadway, New York, chairman of the executive committee.

The medical societies of the States and the Governors of States will be invited to send delegates, as will foreign prov-

inces, States and countries on both the American hemispheres.

This indicates a very large and successful meeting at St. Louis in 1904, and, it is to be hoped, will be more successful if possible than the Congress of 1902, and no doubt will have larger representation from South and Central America, because more time will be given those countries to respond and to prepare and be represented.

Meanwhile, Dr. Daniel Lewis, who has been succeeded as president of the Congress by Dr. E. J. Barrick, of Toronto, and an entire new board of officers, has made an announcement in the "Medical Review of Reviews," of which he is the editor:—That the new American Congress on Tuberculosis which has been incorporated have decided,

1. That it will not hold any session at St. Louis in 1904, as originally contemplated.

2. That it will hold its meeting in April, 1905, in the City of Washington, D. C., for which it will have ample time to prepare, and,

3. That Dr. George Brown, of Atlanta, Ga., is and will be practically the executive officer of that Congress, and that all who desire to present papers before that Congress should apply to him.

We give that organization this advertisement gratuitously

We understand that it is to be composed strictly of and limited to medical men, and we shall do all in our power to facilitate its work upon the problems confronting the public mind upon medical lines. It ought to be able by April, 1905, to settle disputed questions of medical treatment of consumption, especially, and give us what may be regarded as a medical view, whether consumption can be cured, whether it is communicable, and what steps can be recommended as agreed upon by medical men as advisable to recommend to legislators and to the public.

The necessary legislation to retard or prevent its spread may not be strictly a medical question, but it is not impos-

sible that some good may be effected by Dr. Lewis and Dr. Brown and their conferees, in their organized and incorporated body, which Dr. Brown has announced as the "New American Congress on Tuberculosis." We shall be glad to learn of its success along the narrow line of inquiry to which it limits its work.

AMERICAN CONGRESS ON TUBERCULOSIS.

The annual session of the American Congress on Tuberculosis was held June 10, 1903, at the New York Press Club. The new Council, provided by the revised constitution of last year, was formally elected, and was instructed to arrange for a Congress of Tuberculosis at St. Louis, in 1904. The following honorary presidents were elected: Laymen—John Hay, Secretary of State; Justice Charles G. Garrison, Supreme Court, New Jersey; Abram H. Dailey, Brooklyn; General Russell M. Alger; the Earl of Minto, Governor General of Canada. Medical—Dr. A. N. Bell, editor of "The Sanitarian;" Dr. J. G. Adami, professor McGill University, of Montreal; Prof. Charles H. Hughes, St. Louis; Dr. N. Senn, Surgeon General, State of Illinois, Chicago; Dr. Presley M. Rixie, Surgeon General, U. S. N.

The following officers were elected: President, Dr. E. J. Barrick, Toronto; First Vice President: The gentleman elected to this office has declined. The Council will fill the vacancy at its first meetings. Second Vice President, ex-Chief Justice L. Bradford Prince, Santa Fe, New Mexico; Third Vice President, Dr. Charles K. Cole, Helena, Mont.; Fourth Vice President, Dr. Sofus B. Nelson, State Board of Health, Pullman, Wash.; Fifth Vice President, Dr. A. M. Linn, State Board of Health Des Moines, Iowa. Samuel Bell Thomas, Esq., of New York, was elected secretary, and Clark Bell, Esq., who resigned as fifth vice president, was elected treasurer. The Council elected were

as follows: Moritz Ellinger, Esq., of New York, chairman; Dr. J. Mount Bleyer, of New York; Dr. W. F. Drewry, of Petersburg, Va.; Dr. A. P. Grinnell, of Burlington, Vt.; Dr. Mihran K. Kassabian, of Philadelphia, Pa.; Dr. H. Edwin Lewis, of Burlington, Vt.; Dr. M. Markiewicz, of New York; Dr. Richard J. Nunn, of Savannah, Ga., and Dr. J. W. P. Smithwick, of La Grange, N. C. The entire list of honorary vice presidents, consisting of Governors of States and Provinces, and prominent public men of foreign countries, and States, was re-elected, as was the list of vice presidents at large, and the vice presidents from the States, consisting of three physicians and two lawyers of the States of the Union and Provinces, with a very few exceptions.

For a complete list of the officers and committees, see another page of this Journal.

TO THE MEMBERS AND DELEGATES OF THE AMERICAN CONGRESS ON TUBERCULOSIS APPOINTED BY THE GOVERNORS OF STATES, OR BY STATE MEDICAL OR OTHER SOCIETIES.

By remitting \$1.50 (half price) in advance to the secretary or treasurer of the American Congress on Tuberculosis, you will receive a copy of the Bulletin of that Congress for 1902, and by action of the governing council of that Congress, this will entitle you to full paid membership in the Congress of 1903.

It is hoped that members and delegates generally will avail themselves of this very liberal offer.

The Cerf Mining Company is a good mining property, in which the editor of this Journal has taken an interest.

The property is one highly recommended by men of the highest character and standing, and is all ready for work with all buildings and improvements ready for working the mine.

The mine is represented to us to be one of the most valuable in the State of California.



E. J. BARRICK, M. D.; M. R. C. S. England
L. R. C. P. and S. London and Edinburg;
President American Congress on Tuberculosis
of Toronto, Ontario.

DR. E. J. BARRICK,
M. R. C. S., ENGLAND; L. R. C. P. AND S., LONDON
AND EDINBURG,
PRESIDENT AMERICAN CONGRESS ON TUBERCULOSIS.

The newly elected president of the American Congress on Tuberculosis, who succeeds Dr. Daniel Lewis in that position, is one of the most prominent physicians of Canada.

He has occupied a conspicuous position in the conflict with tuberculosis in the Dominion, and especially in the Province of Ontario, where he resides at Toronto. Dr. Barrick was a vice president of the American Congress on Tuberculosis of 1901, and was elected one of its vice presidents at large that year.

He contributed a paper to that Congress on "The Practical Solution of the Question of Dealing With the Consumptive Poor," in which he dealt with the work done in the Province of Ontario, in the work of the "Anti-Consumption League and "The Canadian Association for the Prevention of Tuberculosis," with both of which bodies Dr. Barrick was prominently identified.

In the Congress of the succeeding year, 1902, Dr. E. J. Barrick was also a vice president, and was assigned to open the discussion of the department of "Sanatoria and Climatic Conditions."

He was elected third vice president at the annual election of the American Congress on Tuberculosis of 1902, and has been devoted to its interests and deeply interested in its work, and was the only member of the board of executive officers who had taken any part in the early work of that organization, or had been at all identified with its work or past labors except the secretary.

It is well known that Dr. Barrick was not in sympathy with the revolutionary schemes of the late secretary and his sympathizers.

His election was wholly unsolicited on his part, but he was the unanimous choice of the Congress.

The delegates and members were represented to a very large degree by proxies at the annual meeting, but more than a majority of the members were thus represented.

Dr. Barrick accepts the position, and will throw the weight of his personal influence into the work. He is a man of great energy and executive ability, and will be a live and active president. He also accepts the chairmanship of the standing committee on "Sanatoria," and will organize that committee shortly, as announced. It is to this branch or department that Dr. Barrick has given especial attention.

We give a copy of his letter of acceptance:

My Dear Dr. Bell:—I am in receipt of your kind letter of yesterday informing me of my election to the distinguished position of President of the American Congress on Tuberculosis.

I appreciate the honor very much, especially as it came unsought for, and as you say was the unanimous wish of those present.

I thank you personally very much for your uniform consideration and kindness toward me since we first commenced our correspondence in this great humanitarian work. The country owes a debt of gratitude to you for the great work you have done, and are still doing.

I keenly feel the great responsibility of the position, and no one is more alive to the fact of how unequal I am to the task than myself.

However, now as I am in the harness, I shall endeavor to do my best, and with the sympathy, help and guidance of those who are responsible for my position, shall try to make the Congress of 1904 a red letter day in the history of an organization whose foundation you have so well laid.

With the exception of my election, no mistake has been made in the organization that is now launched under favorable auspices, the barnacles having been shaken off.

We must at once commence to lay the plans for the great meeting of 1904.

I shall send the names to be added to the Standing Committee on Sanitoria at an early day.

It was a great relief to me when I received Dr. Brown's notice that his so-called Congress would not meet until 1905. This left the way clear for the American Congress on Tuberculosis to carry out the intention of the meeting last year of a meeting in St. Louis during the World's Fair.

As you say, it looks like a complete surrender of the Brown revolutionary movement. Please keep me posted as to the doings of the Council. Would it be well to early decide upon the date of the meeting and make arrangements with some hotel for accommodation? We will, I presume, be relieved from the necessity of making any arrangements with the railways for return tickets, as that will be done by the authorities of the Fair. Through Professor Charles H. Hughes, Honorary President, at St. Louis, we ought to have formed a strong local committee. I am glad that Dr. H. Edwin Lewis, of Burlington, Vermont, is on the Council.

As you say in your letter, let us start the ball rolling. After the great success attained last year, surely under the present favorable conditions, we should have a record breaker of a Congress in 1904.

Thanking you again for your kindness, and congratulating you on your triumph,

Yours truly,

E. J. BARRICK.

The Hon. John Hay accepts the election of honorary president of the American Congress on Tuberculosis. His letter of acceptance is as follows:

DEPARTMENT OF STATE,
WASHINGTON.

June 13, 1903.

Dear Sir:—I have the honor to acknowledge receipt of your letter of the 12th of June, informing me that I have been elected an Honorary President of the Congress on Tuberculosis.

I am, with many thanks,

Yours faithfully,

JOHN HAY.

Hon. Samuel Bell Thomas, Sec'y, 290 Broadway, New York.

The Earl of Minto, Governor General of the Dominion of Canada, accepts the position of Honorary President. His reply is as follows:

GOVERNMENT HOUSE,
OTTAWA.

June 15, 1903.

Sir:—I am desired by the Governor General to acknowledge the receipt of your letter of the 12th instant, informing him that he has been elected an Honorary President of the American Tuberculosis Congress.

May I ask you to kindly thank your governing council for the honour they have done His Excellency, and inform them that he has much pleasure in becoming an Honorary President. I am, sir,

Your obedient servant,

I. S. MAUDE, Major.
Gov. General's Secretary.

Samuel Bell Thomas, Esq.,
290 Broadway, New York.

The following acceptance from Dr. Hughes was received:
 S. B. Thomas, Esq., Governor General's Secretary,
 Sec'y American Congress on Tuberculosis,
 290 Broadway, New York.

ALIENIST AND NEUROLOGIST,
 3857 Olive Street.

St. Louis, June 15, 1903.

Samuel Bell Thomas, Esq.,
 290 Broadway, New York.

Dear Sir:—I take pleasure in accepting the honor you confer. The cause is a good one. It is the cause of humanity, the cause of charity, of man's true humanity to man, to eradicate this great white plague, this scourge of civilization, from the face of the earth.

I am glad to see that the medical profession has at last so made its influence felt in this direction, as to enlist the highest and best of the land, in killing off this scourge of the lowly, the fresh air and pure food impoverished, and the sedentarily over-brain and over-nerve strained and worried and wearied among the people.

The fatally congenial soil of this tubercle bacillus is a sanitarily vitiated and vicious civilization, and its consequences on the human organism, weakening or destroying organic resistance. But sufficient intelligence yet abides in the mind of our age, with the light the medical profession has thrown upon its deadly nature and manner of killing the race, to arrest its devastating march and save humanity from a higher destiny than to die of this destructive microbe, before the great work of modern civilization is accomplished.

When the great and wise and powerful in mental resource and monetary means, shall stand and fight with the weapons of scientific suggestion, between the people and the world's moral and physical pestilence, these plagues in the way of humanity's progress will be stayed.

Very truly yours,

C. H. HUGHES.

Dr. A. N. Bell, the editor of "The Sanitarian," who was elected one of the honorary presidents, accepts the position. We enclose his letter of acceptance:

Smithville, L. I., June 15, 1903.

My Dear Mr. Bell:—Both of your notices, June 12 and 13, with enclosures received this morning. Understanding as I now do, from the deliberation and action of the Executive Committee and Council of the American Congress on Tuberculosis, as originally constituted and organized, I cordially approve of the action taken at its meeting, June 10th inst., and accept the honor it has conferred on me by electing me one of its honorary presidents. Be assured, it will be my endeavor, as heretofore, to do all I can for the promotion of its purposes on the lines by which it has already become distinguished as the pioneer American organization for the prevention of tuberculosis.

Truly yours,

A. N. BELL.

Clark Bell, Esq., 39 Broadway, New York.

Judge Abram H. Dailey, ex-President of the Medico-Legal Society, and who has been an active worker in the organization of the American Congress on Tuberculosis, one of its Vice-Presidents since 1900, and a member of its Executive Committee, accepts the position of Honorary President. His letter is as follows:

Brooklyn, July 2, 1903.

Clark Bell, Esq., Chairman Ex. Com.,
American Congress on Tuberculosis.

Dear Sir:—I have received your letter announcing my election as an Honorary President of this Congress, and, in accepting, I take this occasion to express my thanks for the unlooked-for honor thus conferred.

Having been a member since the organization of this body, composed of distinguished men of two great professions, and having been one of its Vice-Presidents and a Director, I am familiar with its work and objects. The fact that it aims to reach the cause of, and root out the most fatal and dreadful scourge with which humanity is afflicted, should rouse into active co-operation every rational man and woman the world over. As communities are now constituted, unless the medical and legal professions co-operate actively, wisely and sincerely, there will surely be failure of great beneficial results. The reasons are too apparent to require a fuller statement now.

I congratulate you, Mr. Secretary and Chairman of the Executive Committee, and the body itself, that you have brought to it the needed qualities to insure success, in so far as your efforts will go, which can only come from peculiar adaptation and long experience. I am also rejoiced at the election of so wise and able a medical man for President, and, in fact, the whole board of active members gives me great hope for grand results at our next Congress in St. Louis.

Faithfully yours,

A. H. DAILEY.

Dr. and Surgeon General Senn, of Chicago, accepted the Honorary Presidency of the American Congress on Tuberculosis, to which he was elected. His letter of acceptance is as follows:

SURGEON GENERAL'S OFFICE,
ILLINOIS NATIONAL GUARD.

532 Dearborn Av., Chicago, Ill.

Dear Mr. Bell:—I am pleased to accept the position of Honorary President of the American Congress on Tuberculosis, and will do all in my power to make the next meeting a memorable one.

Very sincerely yours,

N. SENN.

VICE-PRESIDENTS.

Ex-Chief Justice L. Bradford Prince, of the Territorial Immigration Commission, sends the following letter of acceptance as Second Vice-President:

Santa Fe, June 24, 1903.

Samuel Bell Thomas, Esq., Sec'y,
American Congress on Tuberculosis.

Dear Sir:—Absence from town has delayed acknowledgement of your favor of June 12, till now.

I certainly appreciate the election of which you send me notice, and accept with pleasure.

Yours,

L. BRADFORD PRINCE.

Dr. P. M. Bryce, of Toronto, Ontario, who was elected First Vice-President, has declined the position.

There has not been time for the reply of the acceptances of the Third, Fourth and Fifth Vice-Presidents, before we go to press.

The Secretary and the Treasurer have accepted the offices to which they were elected.

Samul Bell Thomas, Esq., Secretary, 290 Broadway, N. Y.
Clark Bell, Esq., Treasurer, 39 Broadway, New York.

VICE-PRESIDENTS.

First Vice-President.—A vacancy.*

Second Vice-President.—Ex-Chief Justice L. Bradford Prince, Santa Fe, N. M.

Third Vice-President.—Dr. Charles K. Cole, Helena, Mon.

Fourth Vice-President.—Dr. Sofus B. Nelson, State Board of Health, Pullman, Wash.

Fifth Vice-President.—Dr. A. M. Linn, President State Board of Health, Des Moines, Iowa.

*This office will probably be filled by Dr. F. E. Daniel, of Austin, Texas, editor Texas Medical Journal, when the Council meets. Texas is entitled to representation, and Dr. Daniel is a strong friend of the Congress.

COUNCIL.

The following members of the Council, duly elected, have accepted their office, and no replies have been received from the others as we go to press:

Moritz Ellinger, Esq., of New York.

Dr. J. Mount Bleyer, of New York.

Dr. Mihran K. Kassabian, of Philadelphia, Pa.

Dr. S. P. W. Smithwick, of La Grange, N. C.

Dr. Marcus Markiewicz, of New York.

Dr. A. P. Grinnell, of Burlington, Vermont.

Dr. Richard J. Nunn, of Saannah, Ga.

The Council will meet shortly to fill any vacancies by declination, resignation or otherwise.

No replies from the other two members elected have been received as we go to press.

STANDING COMMITTEES.

The following have accepted the position of Chairmen of standing committees:

Clark Bell, Esq., Chairman of Executive Committee.

Moritz Ellinger, Esq., Committee on Audit of Bills and Accounts.

Clark Bell, Esq., Committee on Publication and of Censorship of Papers.

Dr. E. J. Barrick, of Toronto, on Sanitoria.

Clark Bell, Esq., Committee on Preventive Legislation.

Dr. A. C. Bernays, of St. Louis, on the Surgery of Tuberculosis.

Dr. J. Mount Bleyer, of New York, on Light and Electricity.

The full committees when selected and completed will be announced.

Each chairman of a standing committee has the right to

select the members of his committee in addition to those selected by the Congress at the annual meeting.

The following honorary members have accepted and sent their photographs for reproduction: Surgeon General of Illinois, Dr. Nicholas Senn; Surgeon General Presley M. Rixie, of Washington, U. S. Navy.

ACCEPTANCES BY MEMBERS OF THE COUNCIL OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

The following letters of acceptance have been received from members of the Council elected at the annual meeting of June 10, 1903:

164 East 79th Street,
New York, June 23, 1903.

Clark Bell, Esq., Chairman Executive Committee.

Dear Sir:—Permit me to inform you of my acceptance of the position of Chairman of the Council of the American Congress on Tuberculosis, to which I have been re-elected. The world is more alive than ever to the need of fighting this scourge of humanity. Of course, the great work done and being done by the medical faculty must always be appreciated, but without the active share of the legal members of the society, it will be impossible to eradicate the evil. Of many propositions has the world learned, which are calculated to stamp out the evils by means of chemical compositions or drugs of various kinds, but none of these as yet proposed, have stood the test of experimentation. The only safe way to uproot the disease is acknowledged to be pure air and good nursing. These are beyond the reach of the ordinary victim of tuberculosis, and can only be provided by society, through its State or municipal authorities. To accomplish this requires the aid of the law-making power. It is a pity that an attempt was made to break up—whether jealousy was the motive or some lower impulse, I care not,—the original Congress and organization built up by so much pain, labor and trouble. But it matters not; there are the old workers and stand-bys left, and if efforts win success we will have a grand congress of representative men attend the Congress in 1904, and I am glad to have the opportunity to contribute my mite toward the realization of the high merit we had in men, of summoning and uniting the world in fighting against one of its most persistent defamers and stealthy enemies which the race had to encounter.

With great regards,

Yours respectfully,

MORITZ ELLINGER.

Dr. Richard J. Nunn, of Savannah, Ga., writes as follows:

Savannah, Ga., June 22, 1903.

Clark Bell, Esq., 39 Broadway, New York.

My Dear Mr. Bell:—I have just returned home from a little trip for change of air. * * * Of course I will accept the position of member of the Council of the American Congress on Tuberculosis, and if you will send me a blank proxy in the proper form I will return it signed.

Very sincerely yours,

R. J. NUNN

Dr. J. Mount Bleyer, Dr. M. Marcovicz, Samuel Bell Thomas, Esq., and Clark Bell, Esq., accepted and took their seats in the Council meeting on June 10th, and Dr. A. P. Grinnell, who was a member of the Council, has written accepting, and regretting his inability to be in attendance in person owing to the illness in his family. Dr. M. K. Kassabian, of Philadelphia, has accepted his position, and writes that he will aid the Congress by every means in his power.

Philadelphia, June 15, 1903.

Mr. Samuel Bell Thomas, Esq., Sec'y,
American Congress on Tuberculosis.

My Dear Sir:—Please accept my thanks and appreciation for the honor that has been bestowed upon me by being elected a member of the Council of the American Congress on Tuberculosis; therefore, it gives me pleasure to co-operate with that honorable body for the success of that organization. I remain,

Yours fraternally,

MIHRAN K. KASSABIAN.

Philadelphia, June 30, 1903.

Dear Sir:—I hope my letter is not too late for your purpose.

Lately I have been elected as a "Director of Rontgen Ray Laboratory" of Philadelphia Hospital. This position will afford me great facilities to examine tubercular lung cases by means of Rontgen Rays for the early diagnosis and the different stages of the pulmonary tuberculosis. Hoping to hear from you, I remain

Yours truly,

M. K. KASSABIAN.

TOXICOLOGY AND CHEMISTRY.

The movement is in its initiatory stage to organize a Section on Chemistry, Toxicology and the cognate sciences of microscopy, morphology, biology, histology, physiology and the whole series of investigation of laboratory work.

It is proposed to ask the professors and students in all our universities, colleges and medical schools to co-operate and unite. In view of the large number of societies, the matter of dues becomes onerous to the medical man, and so it is suggested that there be no initiation fee to this section at all; that its annual subscription be \$1.50 per annum, which will entitle the member to the Medico-Legal Journal free, which is half price of its regular subscribers.

It is intended to offer this as an inducement to students of this branch of scientific study to unite, so as to make the work strong, useful and inexpensive.

The Journal will publish the work so that it shall reach all those interested.

It is not expected to make a large section, but it is earnestly hoped that professors and students of chemistry and its cognate branches of scientific study, can add something of moment and value to both professions. It need not be limited in its membership to those who are in this work of scientific research. It may enroll those who hope to be benefitted by the research and study of others.

Papers like that of Dr. Arthur Hitchens, "On the Medico-Legal Value of Immune Serum; of Professors Wood and Whiting, of Harvard, on the "Serum Test for Blood," and "Notes of the Serum Tests for the Blood of Rabbits," and Prof. R. Ogden Doremus' contribution to the study of "Arsenic." The paper of Dr. William S. Magill, of the Carnegie Laboratory, "On the Field of Laboratory Work," and of Dr. James Ewing and Dr. Schultze, on the discussion of Prof. Wood's paper is of the class of labor and usefulness that the new section contemplates.

The Medico-Legal Society has many chemists on its roll of members, and these we trust and assume will co-operate in such a section.

It is asked that our members who are chemists, bring this subject to the attention of their friends and invite them to unite and co-operate. We shall send this to students of these branches of scientific research and invite their co-operation.

Medical men, who have not the time or the laboratory for work by themselves, should esteem it a favorable opportunity to be in touch with those who have, in such a section, and we hope during the present year to organize such a band of workers, as may serve to be the nucleus for great usefulness in the future.

JOURNALS AND BOOKS.

ALLGEMEINE ZEITSCHRIFT for Psyciatry and Psycho Forensic Medicine, May 20, 1903. Dr. Lachen, Editor and able corps of collaborators. Vol. 60, No. 3 contains the following articles:

Obituary of Nicholas von Kraft-Ebing, by H. Schuele, of Illeman.

Weight of the Brain and its parts of 102 male Saxons having died of paralytic dementia, by Dr. George Iberg, of Great Schioeidritz.

On the Casuistics of Periodical Insanity, by Dr. George Eisath, of Hall, Tyrol.

On the Muscular Sense and its present action by Maupassant, by Dr. O. Kluge, of Potsdam.

A contribution to Statistics of Idiots, by Dr. George Heimann, of Berlin.

On an interesting case of Forensic Mania. A contribution to the heredity of the Psychoses, by Dr. Koelpin, of Greifswald.

On Psychiatric Therapeutics, by Dr. P. Prengrowski, of Heidelberg.

Statistics of Insane, Idiots and Epileptics cared for in Institutions on July 1, 1900, with a tabulated statement for Germany.

Transactions of Psychiatric Societies of the Psychiatric Society of Berlin, on December 13, 1902. 107th Session.

Literature.—The Journal contains also as contributions:

The Institutions for the Insane of Norway.

The new Psychiatric clinics of the University of Munich.

New Building of a Provincial Institution for the Insane of Silesia.

Announcement of the 75th Congress of German Naturalists and Physicians at Cassel, September 20-26, 1903, and interesting Personnel; Intelligence.

THE INTERNAL SECRETIONS AND THE PRINCIPLES OF MEDICINE, by Charles E. De M. Sagous, M. D. F. A. Davis & Co., Philadelphia, 1903.

Dr. Charles E. De M. Sagous has qualified himself admirably for the production of such a work as he has now contributed to the profession in the first volume of which in 800 pages is before us.

Dr. Sagous, since 1888, has been the careful and painstaking editor of the "Annual of the Universal Medical Sciences" which has each year lead him over the ground on which he treats, and it is doubtful if among all the literary men of the Medical profession one could be found more carefully schooled and prepared for such a work as Dr. Sagous has presented. His volume is beautifully illustrated with forty-two illustrations.

He has divided the first volume of his work into twelve chapters, the first three of which relate to the Adrenals, their physiology and their internal secretions. The fourth and fifth chapters relate to the Thyroid and Thymus Glands in their relation to the Adrenals. The sixth and seventh to the baso Motor System, and the General Motor System in their relation to the Adrenal System, and also the Pneumogastic Nerve. The Pancras and Spleen are discussed in the eighth chapter, and the Cardiac and Pulmonary functions of the Adrenal and Vagal Systems in the ninth chapter.

The vital functions, processes and the preservation of life occupy the remaining chapters of a work, which will be a credit to Dr. Sagous and

must be classed as one of the most exhaustive and ambitious of his literary works.

BULLETIN OF THE SOCIETY OF MENTAL MEDICINE OF BELGIUM.—The April No. of this Journal is on our table.

It opens with the Translations of the March meeting of the Belgian Society of Mental Medicine held at Brussels, March 28, 1903, under the Presidency of Dr. L. De Moor, with Dr. J. Massant, Secretary.

On recommendation of the Committee reporting through Dr. Sano, Dr. Luigi Mongeri, of Constantinople, Physician of the Royal Hospital for the Insane at Constantinople, was elected an Honorary Member of the Belgian Society.

Dr. Larnelle, Physician at Maison Sante de Glain; Dr. Braibent, Physician at the Hospital of St. Jean of Brussels, and Dr. Debray, Neurologist of Charleroi, were elected members.

A change was made in the statutes of the society authorizing the election of two Secretaries of the Session.

Dr. DeCroly and Dr. Paul Masoin were unanimously elected the two Secretaries of the Session.

The President announced that Dr. Jules Morel, Dr. Peeters and Dr. Verniest have been promoted officers of the order of Leopold, and that Dr. Reyant had been decorated as Chevalier of that order.

After some discussion on the organization of the Asylum of the Insane and other subjects the society adjourned to the 30th of May, 1903.

This number contains a paper by Dr. I. Maere, Superintendent of the Hospital "strop," at Ghent, entitled "Changements a Adporter au Regime des Alienes."

Dr. DeBorek's paper on "Limutaliae of Insanity" appears. Dr. DeBroek is Chief of Service at the Depot of the Insane at the Hospital of St. Jeru at Brussels.

Dr. J. Al Peeters, Superintendent of the Colony at Gheel, made a report of "The Progress of the Hospital Service for the Insane in Scotland."

The announcement is made of the 13th Congress of Alienists and Neurologists of France and countries speaking the French language, to be held at Brussels, August 18th, 1903.

Under the Presidency of Baron Vander Bruggen, Member of Agriculture, and M. Gerard, the French Minister at Brussels, as Presidents of Honor, and Dr. Xavier Francotte, of the University of Liege, as President, and a very powerful organization of Honorary Vice Presidents, actual Vice Presidents and Committees from Belgium, France and Switzerland, too lengthy to recapitulate, but containing the most eminent names in Mental Medicine in those countries.

THE LAWYER, Ahmedabad, India.—The May number, 1903, No. 46 of Vol. IV, is before us. May, 1903.

Its selections are full of interest. A sketch of the life of John Austen, from Law Notes, is the leading article. Advertising v. Waiting, from The National Advertiser, discusses the right of a lawyer to advertise his business. Another taken from "The American Lawyer," entitled "The Rights of Property v. The Right of Self-defense," is given at length. "The Liability of Partners," is reproduced from the Canadian Law Review. Some public speaking from "The Law Students Helper."

KATHIAWAR LAW REPORTS for April, 1903, Limbdi, India, is on our table. Vol. XIII, Part 1, by Ganeschi Tethabhai, Editor.

These Reports are the decisions of the original and appellate cases of the Chief Court of Civil and Criminal Justice in Kathiawar, India, and the final decisions of the Bombay Government where appeals have been taken to that Tribunal.

They are interesting as works of reference and shed light on the laws, customs and usages in India as construed there at the present time.

THE LONDON LANCET for May 23, 1903, gives a detailed and interesting report of the proceedings of the Second International Congress of the Medical Press, at Madrid, on May 7th and following days, with por-

traits of Dr. Carlos M. Cortes, President of that body, and of Dr. Rafael Ulecia, the delegate from Spain to that Congress.

The remarks of the President and of Dr. Callega, President of the International Medical Congress, and of delegates from France, Senior Alende Salazar, Spanish Minister of Public Instruction; Dr. Corrego, Chairman Committee on Organization; Prof. Cornie, representing French Medical Journals; Dr. Posner, of Berlin, the German Medical Press; Dr. Dejae, of Belgium; Dr. Santos Fernandez, of Cuba; Dr. Creyor, of Phil; Dr. Adolphe Smith, of Great Britain; Dr. Ascoli, the Italian Medical Press, and the response and address of welcome by the Spanish Minister of Public Instruction.

THE MADRAS LEGAL COMPANION, Vizagapatnam, India.—This is a new monthly journal commenced in March, 1902, which has the endorsement of The Honorable Sir Francis MacLean, Kt., L. C. I. E., Chief Justice of the High Courts of Calcutta, and of Judge Gooro Dass Bauerjes, of the same Court, and the Advocate General Hon. J. T. Woodroffe, of Calcutta.

It is intended to give the leading decisions or summary of them from Reports, viz. The Calcutta Weekly Notes; the Allahabad Weekly Notes; the Madras Law Journal, and the Bombay Law Reporter.

We have Vol. I of this Journal on our table and No. 1 of Vol. II.

It has contained a series of original articles in serial numbers on "Self-acquired Property among Hindus;" "The Right of Private Defence;" "Criminal Trespass;" "Alterations in Documents." and various subjects. Its price is 4 Reals.

MEDDELELSER FRA, Finseus-Medeisinske Lymstul, ved Niels R. Finseu, VI, Copenhagen, May, 1903.

This is a volume of 157 pages of original matter and twenty-one Photographic Illustrations, mainly portraits showing the progress and characteristics of Lupus Vulgaris, under the title of "Resultatene af Lysbehandlingin ved vore forste, 800 Telfaelde af Lupus Vulgaris."

It is the most important clinical contribution to the Literature of this interesting study from a man, who has now the distinction of being perhaps the most patient and careful observer of all the world.

THE JOURNAL OF MEDICAL SCIENCE.—Henry Rayner, M. D.; A. R. Urquhart, M. D.; Conolly Norman, M. D., Editors. J. Chambers, M. D., J. R. Lord, M. B., Assistant Editors.

The April number, being the last issue of the quarter, is before us.

Dr. Lewis C. Bruce, of Murthley Perthshire, contributes a paper entitled "Bacteriological and Clinical observations on the blood of cases suffering from acute continuous Mania."

Edim Goodhall, M. D., a paper on "The Case of an Unrecognized Degenerate punished by the Law."

Dr. A. Urquhart contributed an interesting and able essay on "Nomenclature of Mental Diseases."

Ernst W. White, M. B. Loud, M. R. C. P. Lond, "In a hunt of the Insane in private houses and nursing houses."

Dr. Connolly Norman contributes an interesting article "Notes on Hallucinations."

Dr. Jules Morel reports on the Progress of Psychiatry in Belgium in 1902.

Dr. Wm. W. Ireland contributes on Neurology, and Havelock Ellis on Anthropology and Physiological Psychology and Clinical Psychiatry.

NOTE.—A serious accident occurring April 21, 1903, to the Editor of this Journal, prevents the appearance of Reviews in this department that are deferred to September number.

THE NEW YORK MEDICAL JOURNAL AND THE PHILADELPHIA MEDICAL JOURNAL.—The consolidation of these two Great Journals is an event of considerable importance in Medical Journalism. It is a complete surprise to the profession and it is a step forward for both Journals.

It brings to the Metropolis of the Nation the Philadelphia Journal, which must be a gain to that Journal, and it will enormously strengthen

the New York Medical Journal in its competition with the two other leading Medical Journals of the City of New York.

The Philadelphia Medical Journal will get what it has needed, a change in its Editorial Management.

Dr. Frank P. Foster is a veteran in Editorial Management, with a long and large experience in Medical Journalism in the Metropolis.

His associate Kenneth W. Millican, M. R. C. S., is an admirable selection and the Editorial side of the consolidation will be strengthened, which will ensure for the new Journal a large support from the Medical profession. We predict a decided increase in the subscription list.

In the Publishing Department, also the combination secures one of the most progressive and go-ahead men of the Medical Publishing Department, A. R. Elliott, Esq., who will be an enormous factor in the success of the consolidation.

It is a practical combination of the best brain of the two cities of New York and Philadelphia. Cities which are to be in the near future in closer touch with each other than ever before.

The enterprise of the Pennsylvania Railway system has brought the importance of a closer relation between New York and Philadelphia, into prominence and this is a movement in Medical Journalism along the same lines and is one of the most significant steps recently taken of the same general trend in which the Pennsylvania Railway system was the Pioneer.

The general offices of the consolidation will remain at No. 66 West Broadway, with branch offices in Chicago and Philadelphia.

We feel sure that this consolidation is one of the most significant and important of any recent event in Medical Journalism.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

ANNUAL ARCHAEOLOGICAL REPORT 1602, being a part of Appendix to the Report of the Minister of Education, Ontario, Toronto, 1903.

WILLIAM SEAMAN BAINBRIDGE, M. S. M. D. of N. Y. Periduodenal Abscess Secondary to Ulcer in the Duodenum. 1903.

SPEECHES OF HON. CHAUNCEY M. DEPEW, of New York, in the Senate of the United States, December 17, 1902, January 30 and 31, and February 14, 1903, Washington. 1903.

CHARLES HENRY HUBERICH, University of Texas, Austin.—Venereal Disease in the Law of Marriage and Divorce.

NORTH EASTERN REPORTER, Vol. 66, No. B, April 10, 1903. West Publishing Company, St Paul, Minnesota.—Manual of International Classification of Causes of Death. Washington, United States Census Office. 1902.

RELATION OF PHYSICIANS TO MORTALITY STATISTICS, United States Census Office, Washington. 1903.

Ditto.—Medical Education in Vital Statistics.

Ditto.—Practical Registration Methods.

Ditto.—Legislative Requirements for Registration of Vital Statistics.

PROF. MIGUEL POMBARDA, Hospital de Rilhafolles, Lisbon, Portugal. —Ligue nationale contre la Tuberculose.

MAJOR GENERAL GREENVILLE M. DODGE.—Sketch of the Military service of Major General Wager Swayne.

BURNSIDE FOSTER, M. D., St. Paul, Minnesota.—Some Problems of Preventive Medicine. Reprint from Am. Medicine, Vol. V, Nos. 11 and 12.

HENRY PRENTISS ARMSBY, Ph. D., Director of the Pennsylvania State College Agricultural Experiment Station. The Principles of Animal Nutrition. New York, John Wiley & Sons. 1903.

F. P. TREADWELL, Ph. D., Prof. of Analytical Chemistry, Zurich. Analytical Chemistry, New York, John Wiley & Sons.

ALFRED I. COHN, Ph. G.—Tests and Reagents Chemical and Microscopical. New York, John Wiley & Sons.

DR. H. MEYER, Docent of Imperial University, Prague.—Determination of Radicles in Carbon Compounds.

J. M. BAGER, Passed Assistant Surgeon.—The Early History of Quarantine. Origin of Sanitary Measures Directed against Yellow Fever. Washington, March, 1903.

AM. ELECTRO-THERAPEUTIC ASSOCIATION.—Historical Sketch. 1902-3.

CATALOGUE OF MEDICAL BOOKS.—The Philadelphia Bookstore Co., Philadelphia, Pa.

MEDICO-LEGAL BULLETIN, April, 1903.

BUSINESS CORPORATIONS under the Laws of Maine. Portland, Me.

JOURNAL OF THE SOCIETY FOR PSYCHICAL RESEARCH, Vol. XI, April, 1903. 20 Hanover Square, London.

As to the Legality of the Plan to Relieve Taxation in the City of New York.

MICHIGAN LAW REVIEW. April, 1903.

ARTHUR McDONALD, Hearing on the Bill (H. R. 14,796,) to establish a Laboratory for the Study of the Criminal, Pauper and Defective Classes. Washington, 1902.

THE TOLEDO MEDICAL AND SURGICAL REPORTER. March, 1903. Vol. XXIX, No. 3.

PROTESTANT HOSPITAL FOR THE INSANE VERDUN, Montreal, Quebec. Annual Report for the year 1902.

THE MEDICO-PHARMACEUTICAL CRITIC AND GUIDE, Wm. J. Robinson, Ph. G., M. D., Editor, March, 1903, Vol. I.

LEWIS D. MASON, M. D., Brooklyn, New York. Patent and Proprietary Medicines as the cause of the Alcohol and Opium Habit. Reprint from Journal of Inebriety. January, 1903.

PATENT AND TRADE MARK REVIEW. Vol. I, No. 3. Richards & Co., 309 Broadway, New York.

FRANK H. HITCHCOCK. Our Foreign Trade in Agricultural Products. 1891-1900.

U. S. DEP. OF AGRICULTURE. Bulletin No. 23.

THE HUMANE REVIEW. January, 1903, London.

CONGRESSO CONTRA A TUBERCULOSE. April, 1901, Lisbon, Portugal.

THE REGULAR MEDICAL VISITOR. B. Hosard Thompson, M. D., Editor, St. Louis, Mo. Vol. IV. March, 1903.

STATEHOOD BILL. Speech of Hon. Chauncey M. Depew, of New York, in the Senate of the United States, February 11, 12, 13 and 17, 1903.

THE HUMANITARIAN. 53 Chancery Lane, London, W. C. Vol. I. March, 1903.

JOHN H. LOWMAN, M. D. The Conflict with Tuberculosis. Reprint from the Cleveland Medical Journal, October and November, 1902.

OFFICIAL REPORTS of the Trustees and Officers of the State Hospital for the Insane, at Danville, Pa., from October 1, 1900, to September 30, 1902.

FIFTY-FOURTH ANNUAL REPORT of the Board of Trustees and Superintendent of the Central Indiana Hospital for Insane, George F. Edenharter, Superintendent.

MAGAZINES.

THE ARENA. The Alliance Publishing Company, 509 Fifth Avenue, New York. The June number contains "The Abuses of Injunction," by Judge Samuel Seabray. "The Federal Judge," by Edward M. Winton. "The Insanity of the City," by Prof. Ed. N. Bemis. "The Right of the Laborer to his Job," by Walter S. Logan, Esq. "An Academic Center for the New Education," by Prof. George McA. Miller, President Ruskin University, and other articles.

AMERICAN JOURNAL OF INSANITY, April number, 1903. Jessie Weston Fisher, of the Laboratory of the Conn. Hospital for the Insane, contributes an able and carefully prepared paper on "Study of the Blood in Mania-depression Insanity." Dr. Charles S. Walker, of the New Hampshire Hospital at Concord, writes on "The Hallucinatory Dilemma of Acute Alcoholism." Dr. A. R. Urquhart of the Royal Asylum, Perth, Scotland, contributes a paper "The Progress of Psychiatry in 1902, in Great Britain.

He notes the death of Dr. Campbell Clark and of Dr. Strahan, author of a work on Suicide, and of Dr. Sutherland, Dr. Wade and Dr. Gasgent.

Dr. Robert Jones, Superintendent London Co. Asylum, writes on "Puerperal Insanity." Dr. Charles G. Wagner, Superintendent of the State Hospital at Binghamton, read a paper before the State Medical Society at Albany, January 27, 1903, which is given in this number, on "The Care of the Insane." Dr. O. J. Welsy's paper read before the Brooklyn Neurological Society, February, 1903, on "Tent Life for the Insane," appears in this number. Dr. Richard Dewey writes the Therapeutic Notes. Dr. A. V. Pasant, of France contributes the letters from France.

THE CENTURY MAGAZINE. The June number presents some admirable sketches, among which we distinguish one illustrated in color, entitled *The Sultan of Morocco Journeys towards Fez*. Ray Hammond Baker contributes a most intensely and readable sketch of the Southern Fireside, illustrated by E. L. Blumenschein. The illustrated article on the London Stock Exchange, by Andre Castargue, is worth the price of the number.

THE NORTH AMERICAN REVIEW. The June number of this Journal presents the following table of contents: *The Wesley Bicentennial*, by Dr. W. North Rice, Professor of Geology in Wesleyan University. *England's Colonial Secretary*, by The Rt. Hon. Lord Coleridge. *The Northern Securities Decision*, by Corman F. Randolph. *Tennyson: A New Estimate*, by Frederick Harrison. *Notes on the Irish Land Bill*, by T. W. Russell, M. P. *A Prototype of Latin-American Misgovernment*, by Marion Wilcox. "Race Suicide" and *Common Sense*, by Paterfamilias. *Politics in England*, by Sydney Brooks. *The Alaska Boundary Question*, by Richard Wayne Parker. *The Supreme Court of the United States*, by The Hon. Joseph H. Choate, United States Ambassador to the Court of St. James. *The Ambassadors*.—VI. *A Novel* by, Henry James, and other selections.

KEY TO GROUP NEW CITY JUDGES.

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| I—HON. CHARLES H. VAN BRUNT,
Presiding Justice Appellate Division,
First Department. | XI—HON. JOHN J. FREEDMAN, |
| II—HON. MORGAN J. O'BRIEN, A. J., | XII—HON. HENRY A. GILDERSLEEVE, |
| III—HON. EDWARD PATTERSON, A. J., | XIII—HON. LEONARD A. GIEGERICH, |
| IV—HON. GEORGE L. INGRAHAM, A. J., | XIX—HON. FRANCIS M. SCOTT, |
| V—HON. GEORGE C. BARRETT, | XV—HON. JAMES FITZGERALD, |
| VI—HON. CHARLES F. McLEAN, | XVI—HON. DAVID LEVERTRITT, |
| VII—HON. P. HENRY DUGRO, | XVII—HON. JAMES A. BLANCHARD, |
| VIII—HON. CHARLES H. TRUAX, | XVIII—HON. JOHN PROCTOR CLARK, |
| IX—HON. HENRY BISCHOFF, Jr., | XIX—HON. ALFRER STECKLER, |
| X—HON. JAMES A. O'GORMAN. | XX—HON. ERNEST HALL, |
| | XXI—HON. SAMUEL GREENBAUM, |
| | XXII—HON. WILLIAM A. KEENER. |



JUDGES OF THE SUPREME COURT OF THE FIRST JUDICIAL DISTRICT,
CITY AND COUNTY OF NEW YORK—1902.

SOCIOLOGICAL.

THE LIMITATION OF THE VENEREAL DISEASES.

BY DENSLOW LEWIS, M. D., OF CHICAGO.

[*Concluded from June Journal.*]

Moreover, the young woman should know about the venereal diseases, especially how they may be acquired innocently. All the dangers of promiscuous kissing—even among girls and children—the use of cups, towels and the other means of infection so well exploited by Bulkley should be fully explained. This knowledge, it is respectfully submitted, is at least of equal importance with the knowledge pertaining to the higher mathematics or the translation of the Greek epics.

In married life there is still danger of venereal disease. I do not refer to an uncured gonorrhea, an unexpected syphilitic outbreak, or an innocent infection, although these results occur only too often. The polygamous nature of the male is apt to assert itself in case of satiety or if indifference succeeds to habitude. For that reason I believe that the proper performance of the sexual act between husband and wife, with full physiologic satisfaction to each, is of itself of the greatest importance in maintaining the fulfillment of the marriage contract, in minimizing extra-marital intercourse, and thus serving as an efficient preventive of venereal infection. I detailed my ideas on this subject at the Columbus meeting of this Association, and for that reason I have now no occasion for further explanation. I am, however, more thoroughly convinced than ever before of the advisability of adequate knowledge of sexual matters on the part of newly-married couples. Aside from the unhappiness that almost

always ensues in case of ignorance, every practitioner can testify to innumerable instances of venereal disease that would not have occurred had the husband remained faithful to his obligation. In many of these cases it is safe to infer that if satisfied at home, he would not have wandered astray.

It is imperative, if we are honest in our endeavor to limit venereal disease, to take notice of actual conditions as they exist, even if we deplore their existence. While I would have all husbands faithful to their wives, while I regret that any husband should not be bound by honor and religion, by his love for his family and by his sense of propriety to a strict observance of his marriage vows, it is necessary for the truthful observer to record the fact that many married men—perhaps the greater number—suffer various lapses from a strict interpretation of their obligation. Observation will show that such lapses occur most often when there is an interruption to the conjugal life. In case of pregnancy and during the early weeks of the puerperium, whenever, from any cause, there is interference with the routine of domestic life, the likelihood of extra-marital intercourse is increased and the danger of venereal infection becomes correspondingly more imminent.

I believe it to be the duty of the practitioner to recognize these facts and to act intelligently in the premises for the best interests of society. He can warn and exhort, he can preach and expound, but he realizes in many instances that all talk is idle. He knows that when a man is determined to have intercourse with a prostitute, no appeal to honor, no fear of the consequences, no power on earth will deter him. Is the practitioner to fold his hands and with inflated pomposity masquerading as dignity, to leave the hardened wretch to the chances of fate? I cannot say what others may do under these circumstances, but I should tell the man to use safeguards and protection. This would save the innocent wife from infection. I believe I have saved many households from infection by the simple expedient I have mentioned.

Regarding the prostitute herself, I believe as medical men, we should consider her essentially as a focus of infection. We should try to limit infection first of all and to do this we must not waste our efforts in technical or high-sounding dis-

putation. We should learn our lesson from history and not attempt what is impossible. We should not fear to "recognize" prostitution. We should not expect to stamp it out by police regulation. Economic conditions, ignorance and the curse of ancestry are responsible for its existence; the domination of the sexual instinct in the male—misdirected on account of the deficient and ineffectual character of our civilization—demands its continuance. Our chief duty, it seems to me, is to limit the venereal diseases in prostitutes for it is well-known that by them these diseases are chiefly disseminated.

I have but little to say regarding the so-called "regulation" of prostitution. The subject is of importance but with the laws that exist in many states, with the ignorance regarding sexual matters that prevails in most communities, and with the narrow-minded arrogance that asserts itself whenever there is an attempt at a scientific consideration of these important factors, I realize that in our generation there is but little likelihood that anything definite can ever be accomplished. Regarding the limitation of venereal diseases in prostitutes there is much that can be said and many things that can be done. It is admitted that these women have no wish to be diseased since it interferes with their business. They are willing to do everything in their power to prevent disease, and they are anxious, when disease is contracted, to effect a cure as expeditiously as possible.

Under these conditions it would appear that the sensible thing to do would be to give instruction in prophylaxis, and to afford abundant facilities for treatment. Both of these procedures are practicable and should receive attention. The prostitute should know and fully understand all the danger signals. She should understand that macular or papular eruption on the body, or mucous patches in the mouth may indicate syphilis, and that intercourse should not be performed with a man presenting these symptoms. She should realize that a leucorrhea may be of significance, and that sores about her genitals or undue irritation when urinating, may indicate infection. She should know about the antiseptic vaginal douche and how to use it, and the importance of cleanliness should be emphasized. If you ask, "Who is to give this instruction?" I will reply, "The medical officers

of the Health Department or the physicians connected with dermatologic clinics, dispensaries and hospitals." I advocate, in the restriction of the venereal diseases, similar methods to those in use when small-pox, scarlet fever or diphtheria are concerned.

As regards the treatment of the venereal diseases, we must appreciate the fact that the means at our command in most communities are singularly inadequate. Moreover the indifference of the public to these diseases is out of all proportion to their importance. Men give money for a home for crippled children and for other deserving charities. No one founds a hospital for venereal diseases. No one thinks of the many innocent victims. No one seems to understand that in facilitating the treatment of these diseases he is protecting the youth of the nation. If a single case of leprosy occurs in one of our cities the people and the public press are up in arms against the loathsome disease. But who gives a practical thought to the limitation of the most loathsome, most infectious, most serious and most far-reaching of all diseases? We build and maintain, often untenanted for months, a special hospital for small-pox cases. We have difficulty in securing the admission of venereal cases in any of our hospitals. Even when admitted, these cases are often cared for in a ward in which are congregated all varieties of skin lesions, with a common lavatory and toilet.

There must be an awakening on the part of the profession and our philanthropists to the paramount importance of the venereal diseases, not only as they affect the frequenters of houses of prostitution, but also and more especially as their effects may become manifest in the innocent—even in the babe. There must be an understanding of their far-reaching results and every possible means should be provided free of charge, to ensure proper treatment at the earliest possible moment.

In this endeavor to limit the venereal diseases by providing means of treatment, history shows that the prostitute will actively participate. If our health departments provide means of diagnosis in case of diphtheria and typhoid fever, if vaccination is obligatory, is it unreasonable to do something definite and positive which shall diminish the ravages of these most serious and most common of diseases? A hospital for

venereal diseases should exist in every municipality. It is of far greater importance than a hospital for other contagious diseases. Free dispensaries should be established near the dwellings of prostitutes. The funds of every community cannot be more advantageously expended than in the effort to restrict these diseases which cause a greater morbidity among adults than all other contagious diseases combined.

Regulation of prostitution as practised in Europe will never be a popular measure in this country. Class legislation is unconstitutional and public sentiment is opposed to summary action. Moreover it is contrary to our ideas of justice to deprive even a prostitute of liberty no matter how diseased she may be. Under these conditions the limitation of the venereal diseases must be effected by educational methods and by affording adequate provision for systematic and thorough treatment. These means are feasible and I believe, when carried out, they will prove most effective.

DISCUSSION OF DR. DENSLOW LEWIS' PAPER ON THE LIMITATION OF VENEREAL DISEASES.

BY DR. FERD. C. VALENTINE.

Were all papers by medical authors as well prepared, as forceful and as replete with sound logic, as is that of Dr. Lewis, not only medical science, but the general public would reap the full benefit intended by such efforts. These facts, however, do not exclude that there may be, in some details, honest differences of opinion.

The author vividly pictures the dangers of prostitution and attributes the condition of the prostitute to ignorance, poverty and existing economic and sociological conditions.

This, it seems to me, makes it necessary to define the prostitute. Ordinarily she is held to be "a woman who practices indiscriminate lewdness for hire." This evidently is intended to describe only the self-confessed public prostitute, the one whom Fournier's statistics shows to be the smallest disseminator of venereal diseases. The clandestine prostitute, however, is far more dangerous to the community, because she is beyond all efforts that may be directed against the evils she disseminates.

It is said by almost all authors, Dr. Lewis among them, that ignorance and poverty make prostitutes. In the light of my studies, I must deny this. The vilest of all those whom it has been my misfortune to be obliged to treat, were among the educated and wealthy. What caused them? Ignorance of the character of their acts was certainly not the cause; need of money was not the motive; sexual passion was not the incentive. It would be euphemistic to call them prostitutes, only they were created by heredity.

They sin often with no reason therefor, not even the allure-ment of "forbidden fruit." Far be it from me to accuse the upper social classes of wholesale immorality. I merely de-

sire to make plain that wealth and education are not preventives of vice.

On the other hand, let us consider the opposite extreme: A girl born and reared in the filth and iniquity of the most redolent slums. Poverty, ignorance and brutality are her lot. Hunger gnaws at her vitals; the cold, wintry blasts chill her limbs. Fortunate is for her the day when she honestly earns enough to go to sleep without hunger. She sees her fallen sister pass; the sister has warm garments and silken underclothes and jewels and plenty to eat and more to drink. Why does not our flower of the dung-heap sell her virtue? She is as pretty as her sister who traffics with her body; she is starving, she is ignorant; she is familiar with all phases of immorality; she has been reared amidst vice. Yet, she is never for a moment tempted to become a prostitute. Her sister's silks and jewels are spectres and a horror to her. The day may come when she must choose between starvation and prostitution; she may be wildly in love with the man who pursues her virtue; but she will rather than yield it, throw herself into the river.

I repeat, poverty and ignorance are not the producers of prostitutes.

It is sometimes asserted that religion is a preventive and curer of prostitution. I regret that I must also deny this. Religious organizations, I have been forced to conclude, harbor the same percentage of prostitutes as do those for whom no cult exists. Unsavory as this statement must be to others, equally so it is to me. Yet, we are dealing with facts of such importance that they compel unvarnished statements.

It seems, therefore, that ignorance, poverty and lack of religion are no factors in the production of prostitution.

To approach our subject from another aspect, I may be permitted to assume three stages of civilization, represented by polyandry, polygamy and monogamy; the last indisputably the highest and most advanced.

Polyandry, in the lowest stage of human civilization, was probably based upon the fact that woman is invariably and almost incessantly physically capable of sexual intercourse. The only real exception thereto, is during the moment of child-bearing. In saying this, please to remember that the very lowest stage of human development is considered.

It is self-evident that one woman is physically capable of gratifying far more men, than one man can gratify women. This must not be taken to convey, that every woman is a potential prostitute. To be a prostitute, hereditary degeneration must obtain. This easily produces a reversal to primary conditions, when polyandry was the rule, as it is the rule to-day among some very primitive people. This reversal then, causes the prostitute to be born, not made a prostitute.

Tarnowsky, citing anthropometric investigations by Pauline Tarnowsky of a large number of Parisian prostitutes, showed every one to be distinctly marked with stigmata of degeneration.

What hope is there, can there be, to convert those made harlots before their birth, to lives of morality? Tarnowsky in his brilliant work entitled "Prostitution und Abolitionismus," shows that there never was a prostitute brought permanently to a virtuous life. It is said by well-meaning philanthropists that we should endeavor to lift the fallen sister. This attempt is coeval with the existence of man. From time immemorial the prostitute has existed, and she will continue to exist for ever and aye.

Can these unfortunates be stamped out by education? No; but education can be given those who may, through ignorance, be contaminated by them. I, therefore, heartily applaud all who echo my sentiments, expressed in this section five years ago, that enough of the physiology and pathology of the sexual organs be not denied the young of both sexes of the possibilities that may result from immorality. This has to-day been presented by Dr. Lewis in far better form and in stronger language, than I command.

The problem that confronts us though now, at once, is to arrest as far as may be the ravages of gonorrhoea, syphilis and the corruption of morals, that the prostitute spreads.

Official cognizance is taken of tuberculosis, smallpox, the bubonic plague, cholera, yellow fever, leprosy and other pests. The public demands, quite properly, that these diseases be stamped out. Occasionally a spasm of virtue seizes the police authorities and on onslaught is made upon prostitution, but for alleged moral reasons only, not in order to stamp out venereal diseases, which ruin and kill more people than all the other epidemics combined. The result of

each onslaught is to scatter prostitution all over the community, so that for one focus of infection consisting of a thousand, there appear a thousand foci of infection, moral and physical, where none existed before. Chase them as you will, where you will; hound them, bait them with furious dogs; sear and burn them with red-hot irons, they are still there, and they will remain.

Every time that public prostitutes are hounded, they are converted into far more dangerous beings, clandestine prostitutes.

We often hear praises of systems of registration, licensing and examination, as employed in European cities. Dr. Lewis holds that such proceedings are repugnant to our American sentiments. I hold that the system of forcing prostitutes to live where our sons and daughters may come into contact with them, should be more repugnant to our American feelings.

As an American citizen, it is my duty, if I find myself infected with smallpox, to avoid my fellow man, lest I carry death and destruction to him and to those who are near and dear to him. But, if innate turpitude prevents my so protecting the public, you will, quite properly, compel me to go to the smallpox hospital, where I will not endanger my fellow men. Would you not be insane if you drove me away from others similarly afflicted, and compelled each of us to live separately among healthy members of the community? Should we to-day, prevent isolation of smallpox cases, because our ancestors did not know how to protect themselves from its contagiousness?

Just so with the prostitute. That fine sentiment which, especially among us, makes woman man's superior, would impel us to keep the prostitute away from even the knowledge of our mothers, our sisters, our daughters. Therefore, the prostitute, disseminator of the worst diseases that man can acquire, must be segregated. This segregation would be even less hardship for her, than it is for the smallpox patient.

"But," you say, "that would be recognizing prostitution; it would lead to examining them, and thus protecting or even licensing them."

In reply I must acknowledge that your objections are correct. But in recognizing prostitution, what would we be doing? We would simply acknowledge that prostitution exists. And if we deny that, we lie. Yes, let us recognize prostitution now, by segregating it, and thus reduce its banefulness, as much as is in our power.

As to examining the unfortunates, it was mainly on this point that the Social Evil law in St. Louis shipwrecked, I think in 1875. The argument was urged that it is debasing to womanhood to compel the fallen to expose their bodies to physicians every two or three days. In the clamor, sight was lost of the fact that these women are ready at all times, day or night, to expose themselves most indecently to all kinds of men in all kinds of states. Where then is the debasement of being examined by reputable physicians? The exposure to the physician is limited at the most, has a decent purpose, and is productive in most cases, of securing care for the unfortunate when ill, and preventing others from carrying infection to those who are innocent.

It is held that examination of female prostitutes, is an unfair discrimination; that men should be compelled to submit to similar examinations. But no discrimination is made by the prostitutes themselves. They seek and offer themselves to all men.

Another argument against examinations is that one or another physician doing this work, may be incompetent or dishonorable. If dishonor or incompetence of one or another individual were to condemn a system, then we should abrogate the police, the fire-department, our churches, the government, for dishonorable or incompetent men may chance to creep in everywhere.

It would be folly to assert that regular examination of prostitutes would entirely abolish venereal diseases. But it would materially reduce them. It must also be conceded that the positive establishment of the absence of gonorrhoea is a difficult and somewhat complicated task. But its difficult and complicated character is no argument against it. True, it would entail the employment of physicians specially trained for the work, and they would necessarily have to be well compensated for it. This argument could be as cogently employed against the use of any other class of services

rendered to the community, many of them less essential to its welfare. But in the present consideration much error prevails, even in the profession, regarding the extent of the difficulties that attend the examination of a patient who has had gonorrhoea.

I must repeat, that neither segregation of prostitution, nor their periodical examination, can do more than materially reduce venereal diseases. They cannot arrest clandestine prostitution, nor its demoralizing and infectious influence. Prostitution itself cannot be influenced except by the regulation of marriage, for which a law has been enacted in Michigan, and to which end Senator Lindley has introduced a bill into the Indiana Legislature. Naturally these laws can deal only with the physical and with the evident psychical conditions of those who propose to contract matrimony. They are likely to reduce in a measure, the propagation of those unfit to perpetuate their kind. One consequence of such a law, must be the reduction of the births of prostitutes. Nature has long seemed to point the way to laws circumscribing marriage, for it has been often shown, that prostitutes, public or clandestine, most exceptionally became pregnant. When marriage is regulated, as the Hon. Thomas J. Lindley wrote me, he hopes it will be as carefully managed as is the breeding of animals on his farm, then we can expect, quite justly, less production of human beings unfit to live. Among these the born prostitutes are a large number. This means of reducing prostitution will take many generations to accomplish. Meanwhile, to guard as much as may be in our power, the public from the dissemination of venereal diseases, we must urge the employment of the only, albeit incomplete means we know.

It may appear inhuman, uncharitable for us to herd a class of unfortunates together; to forbid them intercourse with others. Yet we, who love dogs, would unhesitatingly punish a man who allows a ferocious dog out into the streets where he may bite others. And yet it is a fact, that however vicious a dog, however much he may have reverted to his undomesticated state, he will not bite unless provoked. Not so with the prostitute. If allowed to roam any and everywhere she will, wherever she goes, offer her person to any purchaser. The man who passes without heeding her,

without consciousness of her existence, is solicited to practice lewdness with her. The prostitute is a female, in whom advancing civilization has not planted the essentially womanly characteristic of virtue. She is as defective, as if by a prenatal impression, she had been born with but one leg. A physical deformity can, however, do no harm to others; but psychical deformity is not amenable to any method of prosthesis. When the psychic abnormally is in the absence of virtue, it may be cloaked in beauty of form, brilliancy of intellect, exquisite education and most courtly manners. Even the noblest traits of character may be in the make-up of the individual; charity in its highest, finest forms may adorn her; she may be devoutly religious—with these attributes and many more, but without virtue, she is still the most dangerous kind of a prostitute. When she is clandestine she is beyond the power of human control; she will do her hellish work without let or hindrance—she must be and remain forever, the pest that slays mercilessly; the vampire that ruins families and generations.

Public prostitution is the only phase with which science and the law can deal. Fully aware as everyone must be of the shortcomings of the remedies proposed (segregation and examination), they are the only ones we have at present, or are likely to have in the future. The fact, as shown most recently by Morrow (*Philadelphia Medical Journal*, April 6, 1901), that prostitutes will evade examination when possible, is as true as that the criminal—another form of psychic defective—will escape arrest if possible. But should, therefore, all attempts at restraint be avoided? As long as men and women exist, so long will criminals exist. Some violators of the law may be reformed, although criminologists acknowledge that the majority of law-breakers are beyond reformation. Again, the average law-breaker's purpose is to acquire the property of others. In this the prostitute differs from other degenerates. While she may be a thief as well, and usually is a liar, her essential perversity does not embrace taking what does not belong to her. On the contrary, she imparts what she creates, immorality, degradation, gonorrhoea, syphilis, and all the evil consequences that follow in their train.

I would have it distinctly understood that I am, as I have been, on the side of those who advocate cautious education,

in higher schools, on sexual subjects; I agree with those who instruct their patients; I coincide with the view that the prostitute is an unfortunate, but these things do not suffice to limit venereal disease.

Extending these views to a practical end, I advocate:

1. That the State include in reportable diseases, all contagious genito-urinary and venereal ailments.
2. That sufficient hospital and dispensary services be established to separately treat genito-urinary and venereal diseases.
3. That, following the indications of the prostitutes themselves, who congregate in certain districts, to segregate them in definite regions.
4. That those who can be reached by law, be regularly examined.
5. That circulars of instruction in the dangers of venereal diseases, and in the methods of their avoidance, be distributed to the prostitutes themselves, and to every male who enters the prostitutes' districts.

If these mere outlines of ideas on the subject be carried out, the work of such public spirited men as Dr. Lewis, will bear the fruits for which they labor. And if but a small proportion of the youth of our generation be saved from venereal disease, in consequence of this advocacy, the efforts will not have been in vain.

HOWARD A. KELLY, M. D., of Baltimore, said:

I am not prepared to enter into a full discussion of Dr. Lewis' paper as I had no previous intimation as to its scope. I will, therefore, include Dr. Valentine's remarks as well. Dr. Lewis raises the great question, "How shall we deal with our children in regard to sexual subjects?" I freely confess I have no positive convictions, and, therefore, no general rule to suggest. While there may be much in Dr. Lewis' suggestions, I believe the subject demands careful consideration of the individual, and requires to be handled differently in different cases according to the child. Having children of my own, I have read with interest several books on this subject written by earnest women, and expressing in beauti-

ful and most poetical language, views similar to those Dr. Lewis has just expressed, but I feel sure that there are other and better ways of instruction than by formal talks upon such subjects. The great factor in child training is love and unity of interest between parent and child. The greatest and the only real safeguard lies in Christian family life, where the parents bring up their children to consecrate their lives to good, and so to love purity for its own sake as well as to hate impurity. This is the remedy.

As to the question of legalization of prostitution, which at once takes me out of the realms of Dr. Lewis' paper, into the discussion of Dr. Valentine, carefully prepared after his previous perusal of Dr. Lewis' paper, I have somewhat more to say. I think this phase of the subject is most timely because, I feel sure that before long it will be thoroughly ventilated in this country, in consequence of its enormous recent influxes of foreign population and the continental ideas thus imported. I frankly confess also, that I shall not be surprised if we soon see prostitution legalized in many of our great cities, but this shall not be without a word of earnest protest on the part of those of us who are absolutely, and unalterably, and utterly opposed to legal recognition. I will, if you will forgive the crudity of the presentation, simply offer my conclusions somewhat in the form of positive categorical statements, each one of which might be argued and elaborated into a lengthy article did time afford. I beg you also to excuse a lack of logical sequence, as I have been overwhelmed with addresses and obligations, both here and at a meeting in Chicago, within the past few days.

First of all and fundamentally, I cannot agree that the law exists for the purpose of sanctioning evil, or to give it any legal status whatever, other than to proscribe and to punish it. If the law begins by sanctioning evil, it simply takes one step downward, and the next generation, growing accustomed to such laws as we leave, will find it an easy matter to take one more step down, and so on *ad infernas*. If, however, you insist that the law must take cognizance of the existence of this evil among us, because it has been found to be ineradicable, and therefore is best treated by giving it a legal status, I accept your position for a moment for the sake of argument, but let me in

sist if the principle of a legal recognition of evil is to be admitted to our statute books, that we shall first sanction stealing in cases of dire need, where a man has insufficient wages and his family have no food, or where a poor, ill-paid shop girl is liable to be driven to sacrifice her honor by starvation wages.

If prostitution is legalized, is not that an argument *ipso facto* to the coming generation that it is a right thing to prostitute one's self, and when I use the word "prostitute," I include the man as well as the woman in the one category. Those of us who have sons to bring up will, I warn you, have a hard time to convince our boys that there is harm in that which is upheld by the "majesty" of the law. Why, gentlemen, what are we thinking of? The very bulwark of this country lies in those young men who to-day are fighting the battle of purity and learning to master their bodies.

While it is true that the sexual appetite is, as a rule, stronger in men than in women, the rule is not without numerous exceptions, and if prostitution is legalized and right for our young men, I insist that it is equally right for our young women, and equal privileges should be accorded them, and that those women who feel this necessity and yield to it, shall also circulate in society, as the men do, without stigma. I know no cowardice more contemptible than the effort of "society" to make any distinction between loose men and loose women. Contrary to what is generally held, the truth is, a woman does not lose one whit more by prostitution than a man. and the fact that a man can be a prostitute and still live among mother and sisters and enter society, only proves that he has a more brazen front and a less tender conscience than the woman who hides her face.

It is a strange thing this legalization of prostitution, a very strange thing; we seem to be civilizing backwards instead of forward! I hear on all sides of me much laudation of the progress of civilization. It is, I repeat, a wonderful kind of progression, this retro-progression. Go back 4,000 years and look at the laws of Moses, and where is there any dallying with crime in those laws? Go back with me to the classics of those people often wrongfully called "heathen," to the writings of the Chinese sage, Menicus, the interpreter of Confucianism. He says, "I love life and I love justice, but

if I cannot preserve both, I would rather give up life and hold fast to justice." This was written twenty-two hundred years ago! Nowadays, the proposition is made in all seriousness to let righteousness go to the winds and to get as much as possible out of life. I may well ask whither we are drifting?

But as a practical question, can prostitution be regulated and disease suppressed? Let me call some of the advocates of legalization into court. I hold in my hand here a notable French book by L. Martineau, of Paris, who argues as follows: "If a man comes among us with yellow fever, with typhus, with cholera, who would not, for the public good, pick him up and put him away, in order to preserve the public? There would be no doubt about the reply if we knew surely that such and such a person brought us the germs of yellow fever. We should, without respect for individual liberty, put a heavy hand on those agents of transmission, in the name of public safety."

Let me ask you, gentlemen, supposing this to be a cogent argument, what species of devilishness would induce the police if a man and a woman came into a town with the smallpox, to take the woman and put her away and let the man go free to disseminate the disease wherever he chose? If you will take equal pains to lock up and seclude both, I might seriously consider your proposition.

It is a noted fact that in spite of the "protection" of legalism, it is hard to find a man in "protected cities," who has not had gonorrhoea or syphilis. There are to-day more pure men in America and England than in all the rest of the world together.

If I desire to study these diseases where they are rampant, I will set sail at once for the cities where the people have long been "protected," for Paris or Vienna.

It is a well-known fact that in protected cities the number of clandestine prostitutes are greater than those who are under surveillance, while the whole success of legalization depends upon bringing them all under observation and investigation. Dr. Valentine, my opponent, has kindly supplied me with an argument this morning by giving me a statement as to the actual facts in Berlin. He said that in that city there were 20,000 prostitutes under restrictive law, and 25,-

ooo who are estimated to be clandsetine. What the German police cannot accomplish by law, certainly we in America cannot hope to compass by it.

The whole process of legalization and control is revolting and cowardly to the last degree, as it lays violent hands upon the poor woman, often earning a bare existence at an infinite sacrifice, and does not touch the man, who goes about to disseminate disease wherever he chooses. The lowest pitch of cowardice is reached when we recall the fact that it is men that propose to pass such laws. Let women meet and legislate on this subject which so concerns their vital interests. I am sure they will make the law apply to both sexes alike.

Think of the enormous, wide-spread social degradation, the natural outcome of a legalized prostitution! Our young men as a body will accustom themselves to living with prostitutes, and thus entirely lose the capacity for forming natural true affections. Why, as it is, thousands of women live to-day as prostitutes, eking out a bare existence, who would be happy mothers of families if it were not for this army of young men who frequent their houses of ill-repute. If our sons are licentious, our daughters, although they may express open abhorrence of vice, will in reality be no better. It is folly to maintain that the women of a land are better than the men.

I see in the universal greed of gain, in the enormous wealth of this country, and in the constant pleasure-seeking of the favored leisure class, who ought to set a noble example of abstemiousness, an open gate-way to hell. Shall not we medical men then, as a body, holding as we do the secrets of all classes, and cognizant of the deepest sorrows of the world, we who are yet free from this greed of gain and pleasure seeking, stand up for the honor of our profession and protest on the grounds of public health and morality against this unbridled vice running rampant through our land?

Are you aware, gentlement, of the effect of this sort of thing on our public life? Dr. Valentine tells me that as a result of registration in Berlin decent women are greatly restricted in their freedom on the street without a male escort; they are liable to be addressed at any time if they are alone, day or night, and if they are with a gentlemen, they must stick close to him to avoid insult. He relates a striking in-

stance of a distinguished American authoress who was in Berlin with her husband walking upon a prominent street in broad daylight. A friend, recognizing the husband, addressed him, and they stopped for a few moments' conversation; while the husband was thus engaged the wife naturally stepped aside to gaze into a shop window. A German officer passing by, struck by her beauty, came up and addressed her with an insulting proposition. The lady at once struck the officer across the face with her parasol, upon which Dr. Valentine tells me that she and her husband were both arrested, and a small international row was barely avoided. That is where right and righteousness go when the law begins to traffic in sin.

"*Fiat justitia ruat cælum*" is that trite old motto of the Latins. Shall we emblazon on our escutcheon a new and more practical one "of two evils choose the least?" I hope not.

The sacred name of religion has been invoked in their behalf and some prostitutes have been described as "religious." My otherwise good friend, Dr. Valentine, will excuse me if I call him to account for such a declaration. He speaks also of certain low women and says they are "defective by prenatal impression," and asks: "Did you ever know a prostitute to become reformed?" Indeed I have, many a one, some living pure Christian lives, others, restored to their families, and some happily married and settled down. The history of mission work in this country is full of such records. Did not our Lord say that the publicans and harlots should enter heaven sooner than the Pharisees; and who do you think are the Pharisees of to-day? Have you forgotten Mary Magdalene?

Dr. Lewis, too, has referred to religion, so I feel emboldened to close my remarks with a Biblical quotation, by appealing to the Christian standard which is the solution of the whole problem.

"Mortify, therefore, your members which are upon earth; fornication, uncleanness, inordinate affection, evil concupiscence and covetousness, which is idolatry, for which things' sake the wrath of God cometh on the children of disobedience."

DR. R. HARVEY REED, of Wyoming: —

This is a subject that I am very glad to see discussed. I recall the time when it was not allowed to be brought before The American Public Health Association. I remember very distinctly that a paper was suppressed at the Washington meeting of this Association, simply because it took up the subject of The Social Evil. There is no doubt but what it is a vital question and interests every man, woman and child in the country, and it is one which is the hardest to control and the most difficult for which to secure a remedy. We all must admit its dangers and its evil effects, and yet we are at a loss to know exactly how to get at a practical remedy. I might state that a good deal of this subject depends upon the women and girls themselves. You know as well as I do that young women will go with young men, when they know from good sources that the young men have been exposed to or are suffering from syphilis, and yet they pass it over by saying that they must "sow their wild oats," and by and by they will be all right. There is no denying this. You have seen it and I have seen it time and again. If we could educate these young women in such a way as to give them to understand the dangers from these venereal diseases, that it is liable to do them a personal injury for life, and their children's children after them; and on the other hand, if we could educate the boys in regard to this, I am satisfied we would make some valuable gain in this direction.

I have been associated in the matter of trying to get laws through in a certain town in Ohio, and did succeed in getting laws through, and did succeed in having examinations made of prostitutes, and, as has been said by Dr. Kelly, it simply amounted to the isolation of the women, and their submission to examination and treatment, while the men were free upon the streets, and the matter of their debauchery was kept secret by the family physician or the venereal specialist. These are problems which are of practical importance. The way to handle the subject, and the way to handle it successfully, is by education. There is no question but what the regulation of the business by law has been a failure to a certain extent. I have been an advocate of regulating vice if you cannot control it, but this is

a matter which it is difficult to regulate or control. You cannot get laws specific enough to prevent the social evil; the only recourse I see left is to institute a method of education.

I remember distinctly, when a boy, of a lecture which impressed me more than anything I ever heard. It was a lecture that was given in public, and I believe it was a lecture given by a quack. It was a lecture in which he used pictures illustrating the results of the social evil, and it so impressed me and others who were going to the same college, that I have never forgotten it. If we can educate these young women apart from the men, and the men apart from the women, regarding the dangers of the social evil, fear will save many a one, because often a young man gets into difficulties not knowing what the results are until he is debauched and beyond redemption. I know a congregation where they educated the young women and the young men in reference to these matters, and it had a more beneficial result, and I believe did more good than all the laws we passed in that Ohio town.

DR. LISTON H. MONTGOMERY, of Chicago, Ill:—

At the International Conference for the prevention of syphilis and venereal diseases, held at Brussels in September, 1899, at which scientists from throughout Europe, and this country as well, were present, five days were spent in discussing this very interesting topic. I was one of the delegates from the United States, and, as I remember, no distinct set of rules were adopted.

At this conference the questions of localization and segregation, the matter of municipal control and all laws pertaining to the restraint of prostitutes in the endeavor to prevent and limit venereal disease, were thoroughly discussed in every detail, and it seems to me that nothing could have been left unsaid.

I do not agree with Dr. Lewis and Dr. Valentine that the ravages of syphilis and gonorrhoea are as bad now as formerly. Of course, this is only my personal opinion on the subject. Neither do I agree with Dr. Lewis that ignorance and

poverty is the cause of so much prostitution, because I believe that courtesans do not come from the lower classes alone, nor from among the factory girls any more than from the higher class of society. Seductions are often brought about by a promise of marriage in many of the better classes, and from shame and embarrassment the victims leave their former sphere of social life. In my experience I have seen more gonorrhoea in what is called the clandestine class of courtesans, than in public women. On the other hand I have few public courtesans as patients.

DR. GEORGE M. KOBER, of Washington, D. C. :—

I have enjoyed the paper as well as the discussion. We are all agreed as to the consequences. The remedies which have been proposed are numerous enough but not so easy of practical application. I fully believe with Dr. Kelly that legislation will prove insufficient in a subject of this importance. I do believe, however, that public education will accomplish a great deal, and, as usual, the task will largely devolve upon the medical profession. It ought to be a part of a child's education, an education which should be imparted by the parents and teacher, but most of all by the trusted family physician. I believe, as a rule, public speakers in discussing the subject of social purity, commit an error in this, that they point out the far-reaching consequences of the social evil without offering a suitable remedy. I have had the pleasure of listening to a very admirable address by Dr. Kelly on "The Social Purity of Man," and I felt convinced, while he was sincere in his effort, that incidentally much harm was accomplished by not offering to the young men a substitute. It is of no use to point out simply the danger of venereal diseases, without telling a young man how to lead a consistent life. If we fail to do this, he may be deterred by a sense of fear from going to houses of ill-fame, but he may resort to vices which are equally degrading. We should, therefore, make a strong plea in favor of continence, and tell him that while the sexual passion is very strong, it can be accelerated or delayed, excited or lowered by the influence of the will. We should assure him that by the cultivation of pure thought,

removal of temptation, normal mental employment and vigorous physical exercise, continence may become not only possible but easy. We should tell him that Nature will relieve herself by an occasional nocturnal emission, and that in rigorous physical exercise, he possesses the strongest weapon to work off the exuberant animal spirits, and thereby subdue his sexual excitement.

And lastly, we can hardly go astray if we follow Dr. Parkes in advising a pure young man to make his home after the age of twenty-one, and thus secure himself both from the temptations and expenses of bachelorhood.

DR. SENECA EGBERT, of Philadelphia, Pa. :—

What I have heard to-day has made me feel more deeply than I did yesterday that education must be at the root of this matter, and I feel, too, that that education must come from us as family physicians. I have thought many times that it would be well if each man who is a family physician, that is, a physician in general practice, would give a course of lectures,—possibly giving them to one sex at one time and to the other sex at another time,—and only to those who are his patients. I think that here is an opportunity that we have missed which we might utilize for good in our intimate relations with the families that come under our care. Everyone of you know that they would appreciate the teaching we would give. It would be more disinterested than if it were from a public lecturer, even though he is of your own town, and the seeds of instruction sown by the family physician would sink in deeper.

Every year of my life I am struck more and more by the ignorance that permeates the general laity. I occupy a sort of triple position: I have been in general practice for some little time. I have been lecturing for over ten years at a Deaconess House, where women prepare themselves to go out to do mission work, and as these women who go out and those who are left in our cities come to me, I hear many stories of misery and sorrow that I otherwise would not know anything about. I am also dean of a college, and have four hundred young men under my care, and I appreciate how rife this sexual immoral-

ity is. Dr. Lewis spoke of the advantage of every young man seeing a venereal clinic. I think myself that would be well, provided he did not go too often. You remember Pope's saying about vice: "We first endure, then pity, then embrace." So the young man, not a medical student, attending the clinic too often, may grow flip-pant about it. I think that the men who conduct venereal clinics should do so with a full realization of the power that is in their hands. I know that the men who sit in the hospital clinics as often as I do, cannot help but realize that this matter of venereal disease is horrible and tremendous in its influence upon the life of the country.

Dr. Kober's suggestion regarding athletic training I think is most excellent. My experience makes me believe that that is one of the solutions of the problem with our young men, but still education lies at the bottom of the whole thing, and we will never gain much headway until every young man, and every young woman, even before she falls in love and becomes engaged, knows what these diseases are, and what it will mean if she marries a man that has contracted them.

Nor will we gain anything until the boys themselves appreciate the ultimate results of gonorrhoea, and the ultimate results of an attack of syphilis. I believe that many young men—perhaps most of them—can be impressed with a sense of honor and of the moral features of the problem, and I know many young men who have, I believe, gone through their lives, up to the time that they have been married, without intercourse with any woman whatsoever, not without temptation, because we all may have that, but without yielding to the temptation, and because their moral character had been built up, either by religion or by good instruction, and they had been made to feel that it was not a proper life to live as the profligate does.

I also believe that many a woman becomes a prostitute without heredity being an influence. I believe that many women fall through ignorance. It is not very long since a woman came to my office. She was only seventeen or eighteen years of age. She was intelligent, and not from the poor classes, by any means. She was well-dressed and apparently educated. She came to me and asked to be directed to the an in the hospital who would help her out of her

trouble! She said she thought she was pregnant and wanted somebody to relieve her. I was glad enough to inform her that reputable physicians did not do that kind of work, and I found upon further inquiry that she had absolutely no knowledge or idea, when she yielded to her lover, of what the consequences might be; she did not know that pregnancy might follow. It was only after she had experienced the first symptoms and had gone to some girl that knew more than she did, that she became alarmed.

Now, those cases happen every day in our big cities, so I do think that in many cases heredity is not the cause of the fall. We have to educate the young, and, what is even more important, we have to educate the fathers and mothers, if we would achieve success.

MAJOR LOUIS L. SEAMAN, M. D., of New York:—

In army circles, as you all know, the abolition of the canteen has occasioned much discussion. It may be of interest in this connection, for me to state that in the report of vital statistics at Camp Reilly, Pekin, China, more than fifty per cent. of all patients were under treatment for venereal diseases. These diseases always claim a large proportion of patients in a military hospital, but I have it on the authority of Lieut. Greenleaf and his assistant, that since the abolition of the canteen, the percentage of these cases has almost doubled. My own observation in other military hospitals tend to a similar conclusion. The men get their liquor away from the post. They leave the rum hole for the brothel. When the canteen was maintained they drank less, were under better influences, and returned sober and contented to their library and reading room or their other quarters. When the misguided enthusiasts of the W. C. T. U. stop to reflect that the result of their influence in inducing Congress to abolish the Post Exchange has produced this enormous increase of wretchedness in the army hospitals, and made many a husband, father or lover the victims of a degrading disease, they may indulge in less self-congratulation, and conclude to cease interfering with institutions about which they are so hopelessly ignorant.

The Post Exchange was the most rational compromise that the ripe experience of the ablest officers of the army could devise. It was not abused in the camps; it has been the soldier's friend; it has often saved him from disgrace and disease worse than death. The bill abolishing it should have been vetoed by a President who well knew its virtues.

Some years ago the "Exeter Hall crowd" of England, induced Parliament by methods similar to those used by the W. C. T. U., to abolish the Contagious Diseases Act in India, a law that had proved so effective in the elimination of these diseases that in 1884 they were comparatively unknown in the army there. To-day, owing to its abolition, no other single cause is so prolific in invaliding the soldiers. The Raines Law was another instance of meddlesome legislation which has been productive in spreading immorality to an extent heretofore unheard of in the greatest metropolis of this country. If the W. C. T. U. could be induced to direct its energies toward a co-operation with the medical associations which are now making a study of the social evil, and are endeavoring to bring about its segregation and limitation as far as possible, it would then accomplish a great reform and prove itself a real benefactor to humanity.

DR. JOHN C. SHRADER, of Iowa City:—

This is a subject that I have taken a deep interest in for many years. I have listened to the statements made here, and, like many of you, have been impressed with the fact that we are making progress, no doubt, among the best methods of suppressing or controlling this great evil. You cannot readily suppress anything of the kind, but you can control it, and after a time, through education of the people, you may perhaps, be able to suppress it. My idea is that to abolish this evil, or to educate the people so that they will abolish or prevent it, our physicians must first be educated. All young men and all young women who go out of a medical institution should have these principles instilled into their minds; they should realize that they are teachers of the people, and are to remain so through life. In that way the profession can do more in a minute than all the preachers combined, if we are possessed of the right spirit.

Our school teachers must be educated properly. Let them consider that the moral character of their pupils is placed under their charge and rests largely upon them. Instruct them and let them know what they should teach, and how to teach it; let them learn how to guide these children along.

Having been a teacher for many years I have watched these matters, and I have found that there can be a great deal of good done in this way, and I know it is the proper way. After a while, when the people are educated more, perhaps you can enact some laws that you will be able to enforce, laws that will be valuable in helping to carry out these great moral principles. At the present time such laws can neither be enacted nor enforced.

DR. L. B. TUCKERMAN, of Cleveland, Ohio:—

I think a good deal of this discussion and misunderstanding is due to the fact that we fail to recognize the biologic significance and purpose of venereal diseases. It is one of our environments. It is one of the conditions that determine the survival of the fittest, and Dr. Valentine's statement that very few have a morality stronger than their sexual impulses is correct. The purpose of venereal disease is to sterilize and remove from the great current of life those whose sexual impulses are unregulated, and every attempt to thwart the action of nature, that provision of nature, which venereal disease is, other than by educating the judgment and the intelligence of people so that they shall control that unregulated impulse by their judgment and intelligence, is for the deterioration of the race.

Venereal disease touches no young man who has self-control except in rare cases where it is innocently acquired. It touches no chaste woman who does not marry a man without that inquiry into his character and habits which is necessary and proper in the case of a contract, the purpose of which is to bring children into the world, and Dr. Lewis is right when he says that the thing to be depended upon is instruction and full knowledge of all the facts, letting the young man and young woman make their own choice with full knowledge of the consequences.

Now, I have a family of four boys and a girl, and none of them have come to puberty without a proper knowledge of the facts of reproduction, and it came by degrees and almost unconsciously. The microscope has been their plaything. The things which came under their eye under the microscope—the egg developing in the mantle of daphnia, the fission of chylodon encucullus, etc.—broke those things easily upon them with less need of question, and questions have been frankly and honestly answered whenever they have been asked in the family, and the statement has been made to them when they were children, “Now you know more about these things than those on the street; it is not a thing to be talked about in public; keep your mouth shut,” and I want to say to-day that I do not believe that, usual considerations aside, one of my boys would take the risk of going to a place of prostitution or indulging in clandestine sexual intercourse. I am confident they would enter a small-pox hospital a good deal more willingly, because they know they are protected by vaccination, than they would run any chance of acquiring venereal diseases by going to a house of ill-fame.

We can also bring to our aid the religious impulse. We can call to our assistance all the theologians of all denominations and of all religions and every moral suasion, and I want to tell you that you will never have a moral body of people, I don't care how much you legislate, until you train them in morals. You have got to make a boy and a girl understand that they will derive pleasure from being moral, and more pleasure in the long run than from being immoral, and I say that we must join hands with the theologians; we must talk with them; we must teach them what we know about physiology from our standpoint, and when we have brought together all of these different phases, at some future meeting we will be able to discuss this subject from a far higher plane. But do what we may, the fact remains that the bulk of the reproduction of the race will come from the sexually clean.

DR. DENSLOW LEWIS. (Closing the discussion) :—

I am grateful to the gentlemen who have taken part in this discussion. The diversity of their views shows that we

all have still much to learn regarding this very important subject; the interest manifested here to-day shows that we have happily passed the time when the discussion of venereal diseases is to be tabooed. We have reached a time when the importance of the subject is appreciated and when all decent, earnest, honest men in the profession recognize their opportunities and privileges, and are anxious to do what little they can to minimize these very serious evils. It affords me much satisfaction to observe that many eminent practitioners, who, in the past opposed even the consideration of matters relating to sex relationship, are now taking their place, where by right they belong, in the front rank of those students of sociologic conditions who are trying, by every earnest effort as best they may, to mitigate some of the disastrous consequences of ignorance, bigotry, false modesty and an irrational understanding of the most important of human functions. I will not consider in detail, as perhaps I might do with interest, all matters that have been touched upon this afternoon. I will allude, with your indulgence, only to prostitution and the teaching of children regarding sexual matters.

I recognize now in our society a type of woman like Mesalina or Catherine of Russia. Such a type of depravity has been described continuously in the history of the world and is still a favorite character of modern fiction of the naturalistic school. I will admit that these slaves of passion are the victims of degeneracy. Their case is hopeless. They are the derelicts on life's ocean. Our care of them consists chiefly in averting contamination and disaster. While charity prevents us in justice from passing too severe a verdict, experience seems to demonstrate the futility of attempts at reformation. These women are lost. Let us see to it that through their influence others are not lost as well.

With this admission regarding the prostitute, I must add that I also recognize the fact that many a young and innocent girl who works for an inadequate wage will be seduced by the prospect of a few extra dollars and a little sympathy. I know that oftentimes the young girl is absolutely ignorant of the consequences of the sexual act. I know further, that many a woman is forced into prostitution in order to support an illegitimate child. Economic conditions must re-

ceive attention in a consideration of this subject. Indeed all conditions incident to life must be studied before we can hope to arrive at a solution of the problem.

As regards instruction to children in sexual hygiene, it gives me pleasure to observe that all present are practically agreed as to the necessity of such teaching, although we may differ as to methods. When the boy arrives at puberty and notices certain sensations, he is not going to remain in ignorance of what they mean. If no one else tells him the truth, some of his school-mates will. They will tell him, and he will gladly believe, that he is now a man, and that is why it seems imperative for him to have sexual intercourse. Much venereal disease could be prevented at this time by a simple declaration of the truth.

I feel indebted to the gentlemen who have stated that the physician should be a teacher, and should be something more than a mere prescriber of drugs. I fully believe that a physician's duty to humanity is not discharged unless he realizes the importance of his position in relation to society, and unless he does what little he can to teach the truth regarding these very serious matters.

WIFE-BEATERS AND THEIR PUNISHMENT.

BY W. H. S. MONCK, ESQ., BARRISTER-AT-LAW,
DUBLIN.

The March issue of *Medico-Legal Journal* advocates the use of the cat on wife-beaters. Few persons would, I think, expect to find much peace or happiness in a home in which the husband had been flogged at the instance of the wife. Indeed, I should not be disposed to insure the woman's life except at a very high premium. But it may be said that there can be no peace or happiness in the house of a wife-beater, and that the woman's life is never safe. And this is true enough. A man may strike his wife under the influence of violent passion or strong provocation and never repeat the offence. But when it is repeated, I doubt the efficacy of any of the present remedies. The parties should separate. If they continue to reside together after the husband has been lashed into submissiveness, he will probably take the first opportunity of revenge that is open to him. "Let them hate so that they fear," may be the motto of a tyrant, but it is unsuited to a case in which the person who hates is stronger than the person who is hated, and the fear is that of the intervention of a third party. But if husband and wife are separated, what is gained by flogging the former for his past misdeeds?

I admit that the main object of punishment ought not to be to deter or to reform the individual, in which respect any punishment will frequently fail. The main utility of punishment is to deter others—to caution persons who are meditating whether they will commit a crime or not, of the probable consequences of committing it. But I think wife-beating is less amenable to this kind of check than most other offences. The offence is usually committed in a moment of passion—rendered violent by drink on the one part or provocation on the other—without much or any thought about the

consequences. If a law for flogging wife-beaters were passed, men would often forget all about it until the assault was over. Then the man who knew that his wife could have him flogged would perhaps ask her forgiveness and beg of her not to prosecute, and perhaps conduct himself better for some time to come if she let him off. But if she refused all overtures and insisted on having him flogged, it would probably be thenceforward a case of "war to the knife" between them.

The two principal arguments in favor of trying the cat on wife-beaters appear to be first, that the other punishments at present adopted are ineffectual, and, second, that flogging has been found an effectual punishment in the State of Delaware. I have touched on the first of these arguments already. Crimes may be broadly distinguished into crimes of deliberation and crimes of passion. No punishment can be expected to have as much effect in preventing the latter class of crimes as in preventing the former. That men can learn to control their passions I admit, but I do not believe in any sharp, short and decisive method of teaching them to control them. A pretty long course of training—especially if they are of mature age when first taken in hand—would probably be necessary for the purpose: and if, during this training, the patient is kept under an irksome feeling of restraint, the passion is likely to break out with increased violence the moment the restraining force is withdrawn. I doubt if a criminal has ever been taught to control his passions (as distinct from the expression of them), by his treatment in an English prison. Whether American prisons are better constituted in this respect I cannot say. Flogging is still resorted to in order to enforce discipline in English prisons. I think I may safely say that it is not true on the one hand that the man who has once been flogged for a breach of discipline never commits another, or on the other hand that after such a flogging the other prisoners are more quiet and orderly than usual. Several floggings in succession in the same prison are not unusual, and not a few cases could be mentioned in which the same convict got a second dose of the cat. The most usual offence is assaulting a warder—a crime of passion which does not seem to me to be amenable to these sharp and summary methods.

It is stated in the article on which I am commenting that wife-beating is unknown in the State of Delaware. But how long as the punishment of flogging been awarded to wife-beaters in that State. I may be wrong, but my impression is that I read of the introduction of a Bill for flogging wife-beaters in the Delaware Legislature within the last two or three years. (And if wife-beating did not exist in the State, why was it necessary to introduce such a Bill?) In any event however I do not think that what is good for Delaware is necessarily good for New York. The population in one case is rural and in the other urban, and the two States are in very different stages of development. Crime will generally stand low among a rural population chiefly native, and with primitive manners. That its condition in Delaware is due to flogging, is I think, an assumption without any satisfactory grounds. As far as I know flogging in Delaware is a survival of the past in a very unprogressive district—this unprogressiveness being quite consistent with a general harmlessness and even religious feeling among the people. They never tried to do without flogging and cannot, therefore, form any intelligent opinion as to whether their low crime-rate is not due to other causes, and would not remain equally low if flogging were abolished. To form an estimate of the merits of two systems of punishment we should have them tried successively in the same State, or tried simultaneously in two different States in which altogether conditions were very similar. I notice, however, that the Governor's statement as to nobody incurring a second flogging in Delaware is limited to white men. Are negroes less amenable to the lash than whites? Or do the Delaware Magistrates flog blacks in cases where they would sentence white men to some other punishment? In the days of slavery, at all events, it was not true that a negro once flogged never incurred the penalty a second time. Nor is this statement now true of any country in which flogging is the ordinary punishment for a considerable number of offences. But as long as a punishment is very unusual nobody is likely to incur it twice. There are not many recorded instances of a man having twice incurred the pillory.

As to the sufferings of the wife and family while the husband and father is in prison, it seems to me to be the clear duty of the State to support them when their ordinary means.

of support are cut off by the action of the State. The husband is punished for the good of the public generally,—with the object of preventing other persons from committing the same offence; and if innocent persons are injured by what is thus done for the good of the public, they have a clear right to compensation. But the support of the wife and children would not involve much expense to the public if the proper steps were taken to render prison labor as remunerative as possible—to make every prisoner who is able to work earn as much as possible under the necessary conditions of confinement and discipline. The theory that prisoners ought to be employed at unproductive labor in order to prevent them from competing with free labor will be cited by our descendants as a proof of the low state of Political Economy at the time. Why on earth should the man who would be competing, if at large, be prevented from competing while in prison—every day's detention involving a pecuniary loss to the public?

Flogging as a punishment has one great draw-back. There are some judges who will always flog when the law permits it. There are others who will never flog unless the law renders it compulsory. And even when compulsory if the number of strokes is undefined the provision can be evaded. I heard of a court martial that sentenced a prisoner to one lash. There is no punishment with regard to which greater difference of opinion exists, or in which the advocates of the punishment run to greater extremes. The *lex talionis* has, I trust, ceased to find a place in the legislation of any civilized (not to say Christian) country, and apart from it there is little prospect of any general *consensus* of opinion as regards the cat. In Delaware it seems to be chiefly used on thieves—not limited, as in England, to robberies accompanied with violence. If this provision was first introduced when thieves were usually sentenced to be hanged, it speaks well for the humanity of the former Delawarians; but are not their successors a little too conservative? In any event I think the experience of the people of Delaware affords too narrow a basis to rest any general conclusions upon, more especially as we have not only in the past, but in the present, numerous other examples of countries in which flogging has been tried as a punishment either for crime generally, or for particular kinds of crime. And it may be added that flogging in

schools, in families, etc., is substantially the same thing, though there may be differences of degree. There is, in fact, no other punishment of which we have such ample experience, and, therefore, none respecting which it is more objectionable to draw general conclusions from a comparatively small number of special instances.

Since the foregoing was written I have seen an account of the lynching of a negro named White, at Wilmington, Delaware, and of the events which followed it. It can hardly be contended, with such facts before us, that crime is at a very low ebb in the State of Delaware. Nor let it be said that one murder does not prove that crime is rampant in the State. There was in fact a number of crimes—some of them committed in endeavoring to frustrate the administration of justice. But if ten men unite in committing a murder, though there is but one crime there are ten criminals. How many criminals were there in this instance? And what proportion did the criminal population of Wilmington bear to the non-criminal population? And if offences like this one can be committed with impunity, what reliance can be placed on the criminal statistics of the State? If but few persons are punished, the explanation may be that the majority of the criminals are not made amenable to justice.

It may be said that the crime to which I refer was committed under great provocation and feelings of strong excitement on the part of those who committed it. But the crime of which White was accused, was, I believe, a capital one, and the prisoner, if tried at Wilmington, would certainly not have been acquitted unless the evidence against him completely broke down. Why, then, not leave him in the hands of the law? Is the lauded criminal system of Delaware so imperfect that a guilty man may escape, although every one is anxious to bring him to justice? However, the real reason of the lynching outrage was, I believe, different. The people of Wilmington were not satisfied with simple death. They insisted (in violation of the criminal law which is supposed to work so satisfactorily in Delaware) on killing the accused by a more cruel and brutal process than

the law permitted,—by a process that would not be tolerated for a moment in New York. And why did they—vast numbers of the people, seem to have taken part in it,—insist on killing an untried and defenceless man in this cruel and brutal way? Chiefly, I believe, because their criminal law had innured them to cruel and brutal punishments, the public whipping-post being a regular institution in Wilmington, where lessons in cruelty and brutality are taught to the whole population. Spaniards will not cease to be brutal till they abolish the bull-fight, nor Wilmingtonians till they abolish the whipping-post.

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ON THE POSSIBILITY OF AN EIGHTH SENSE.

BY JOHN PHIN, OF NEW YORK.

Whatever may be the outcome of the metaphysical discussion in regard to innate ideas as related to abstract thought, it must be evident to the most casual observer that all our knowledge of the outward world comes to us through the medium of the senses. We have no idea of color except that which comes to us through the eye; no idea of sound except that which comes to us through the ear, and it is therefore certain that we can have no knowledge of the revelations which a new sense might open up to us.

But, although actual knowledge is entirely beyond our reach, speculation in regard to the possibilities in the case may be permissible, and I shall, therefore, offer a few thoughts in regard to the possibility not only of a new sense but of new sense organs, which would be to our present senses and organs what ears and the sense of hearing would be to one that had been born deaf and without ears, or eyes and the sense of sight to one that had been born blind. And as one who had been born blind could not possibly have any idea of color, or of the nature of color or of light and shade and their effects, and one born deaf could have no idea of the nature of sound or of music, so we, as we are born without these unknown senses (for there may be more than one) cannot possibly have any conception of the nature of these unknown sensations, and of the marvellous ideas to which they would no doubt give rise. Just let us suppose for a moment that ourselves and all our fellows had been born blind, and that suddenly one of us became possessed of that sense of sight with which we are all so familiar; how new, strange and delightful would be the sensations thus revealed, and how sublime and novel would be the ideas to which they

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would give rise; but how utterly impossible it would be for the individual thus fortunately endowed, to convey to his or her companions any idea of the glorious revelations which this new sense of sight would open up!

I may here note that some surprise has been expressed because in speaking of the new sense I have called it the *eighth* and not the sixth. Most of us, in enumerating our sense endowments, confine the list to five, the same number that was given by that inspired tinker, John Bunyan, in his wonderful allegory, "The Holie Warre," which many consider equal if not superior to his more famous work, the "Pilgrim's Progress." In this book he describes the human body under the name of "the town of Mansoul," and of it he says: "This famous town of Mansoul had five gates, at which to come out, and at which to go in; * * * the names of the gates are these: Ear-gate, Eye-gate, Mouth-gate, Nose-gate and Feel-gate." It is true that in common conversation we often speak of the "seven senses,"—an expression which no doubt owed its origin to a belief in the completeness and mystic power of the number seven. But it was not from any careless acceptance of a loose colloquial expression that I assigned the number eight to any new development which might arise in this direction, but because advanced thinkers have differentiated two senses from the sense of touch, and have added them to the list of five. These are now known as the "Muscular Sense," or "Sense of Resistance," and the "Sense of Heat." That there are good grounds for setting these senses, and, also, perhaps, the "Sense of Time," by themselves, is undoubtedly true, and I have, therefore, used the term "eighth sense" so as to avoid any risk of confounding the suggested sense with either of those already on the list.

But, after all, it matters little whether or not we give new names to old powers. When we differentiate the "Sense of Resistance" and the "Sense of Heat" from the old sense of feeling, we may set up new sign-posts, but we do not open up any new "gateways;" things still remain as they were of old, and every messenger from the material world around us must still enter that ivory palace of the soul, which we call the skull, through one of the old and well-known ways.

Perhaps it might be well at this point to caution my hearers against the mistake of supposing that an increase in the

delicacy or sensitiveness of any of our present senses, or even an extension of their range of power, is a manifestation of a new sense, and this caution seems all the more necessary because in a recent review of the life of Miss Keller this very mistake has been made. The keenness of sense of some of the lower animals would almost lead us, at first, to believe that they are endowed with special senses of which we have no knowledge. But a more careful examination of the facts in each case will show that such a supposition is not well founded. The highly developed nostrils of the deer possess a sense of smell so keen that an enemy can be detected at a distance of miles when the wind is in the right direction. Most of you doubtless remember Scott's lines in which he says of "the antlered monarch of the waste" that he

"A moment gazed adown the dale,

A moment snuffed the tainted gale"

and then fled to his rocky fastness. But even from a sense of smell as keen as his, no new sensation is to be derived, no new idea evolved. It is merely the ordinary and familiar sense rendered more acute by circumstances which have favored its development. The sensations may differ in degree; they certainly do not differ in kind.

So, too, with the sense of hearing. The migratory thrush, or, as it is commonly called, the robin, has a sense of hearing so acute that we might easily be deceived into supposing that it has a special sense. Watch it some morning in Spring when it is hunting for worms; when it hears a worm moving under the surface, see how it turns its head in an evidently listening attitude, and when the object of its search gets near enough to the surface, see how quickly it seizes it and pulls it out. But the sense which enables the robin to do this is not a new or an unknown sense; it is merely the old sense more highly developed.

Another example of a highly developed sense is found in the keenness of sight possessed by the eagle. But, although the bird can see much more distinctly and at a greater distance than we can, its power in this respect differs from that of man only in degree and not in kind, and the telescope on the one hand, and the microscope on the other, give us greatly the advantage of both the hawk and the eagle.

But it is not in delicacy or sensitiveness alone that the senses of smell, sight and hearing in many of the lower ani-

imals excel those of man; some of them, especially in the sense of hearing, have a range which we do not possess.

And here it may be well to explain what I mean by the expression "range" of power as distinguished from delicacy or sensitiveness.

It is well established that the two senses of which the special organs are the most prominent and distinct—the sense of hearing and the sense of sight—are acted upon through the vibrations of two different media,—air and that ether whose undulations are supposed to give rise to the phenomena known as light. In the case of both senses a difference in the number of vibrations per second gives rise to a difference in the sensations. The deepest note regularly employed in music is the C of 32 vibrations per second, which is emitted by the longest pipe (the 16-foot pipe) of large organs. The highest note is caused by about 3,500 vibrations per second, though notes of ten times this number of vibrations (about 40,000) are audible by the human ear.

But there are sounds in nature which are far beyond this, and which are audible to some of the lower animals. At least we have good reason for believing so, and by means of the phonautograph these sounds can be registered and measured. Many years ago I made some experiments which convinced me that certain moths call their mates by means of sounds which are audible to them but are inaudible to us. The chirp of the cricket and also that of the grasshopper, are to many persons inaudible while to others they are quite distinct as musical sounds. A fine ear is able to recognize as a distinct sound a peculiar hissing noise made by a body completing twenty-four thousand distinct vibrations in a second. To others such sounds are quite inaudible. And it may be that there are other sounds all around us which are higher yet. A sense-power which would enable us to recognize these would not be a mere increase of delicacy in our sense of hearing, but an extension of its range which would bring to us sensations quite unlike those which formerly affected us, just as the shrill note of the cricket is quite unlike the dull sound of the lowest organ pipe.

The same is true in regard to light and color. Ordinary eyes differ greatly in regard to the extent to which they perceive the colors at each end of the spectrum; and we know that the spectrum extends even beyond the limits which

bound the vision of the most sensitive of ordinary eyes. We can even form an artificial eye which will be affected by these extra rays. Now it is not impossible that the range of power of our sense of sight might be so far extended that these ultra rays would affect us and give rise to a perception of color of which we have at present no idea. Under such conditions we might even be able to see clearly, in what to us is now, total darkness. But after all this would be the mere extension of an old power, not the creation of a new one. Although it would not be a mere increase of delicacy but an extension of range, still it would be on the same lines as the senses we now possess, and we have no difficulty in forming a very close conception of what the result would be.

It will be seen then that the term *delicacy* is properly applied to that characteristic of the sense organs which enables them to recognize very faint manifestations of sound and light, while *range* determines the quality of the sound and light that may impress us, irrespective of loudness or brightness.

When we consider that in every case the agent which causes sensation acts by irritating our nerves, and that, in the case of the higher senses, this irritation is caused by the vibrations existing in a special medium; when we further take into consideration the fact that the range of these vibrations extends from twenty-four per second to seven hundred and seven millions of millions of times per second; and when we reflect that in this wide range not one ten-thousandth part of the whole is utilized by our present organs of sense, we see what grand possibilities there are for other gateways opening into the temple of knowledge and leading to regions not only unexplored but undreamed of.

On looking over the list of our senses, whether that list consist of five or of seven we are forced to note the fact that they fall into two well-marked classes. For one class special and prominent organs are provided while the others seem to be diffused over broad surfaces and to have numerous doors rather than a single gateway of elaborate construction. And most persons will agree with me in thinking that the two senses, sight and hearing, for which obviously special senses have been provided, give us sensations which originate a class of ideas that are intellectually higher than the others.

Now in the development of a new sense, special organs, either of the first or of the second class would be needed. In attempting to form an idea of the process of development of new sense organs, those who, like myself, adopt the hypothesis of evolution, or, in other words, those who believe in creation by law as opposed to creation by mere fiat (the latter being obviously a very anthropomorphic idea), will be led to trace the development of the sense of sight from that found in the very lowest forms of animal life up to its manifestation in man. The lowest animal forms have no eyes; the earliest indication of sight, if sight it may be called, being the mere development of a spot sensitive to light and inducing the animal to seek and perhaps to enjoy the sunlight rather than the shade. The further development, including the organization of a sensorium, the provision and adaptation of special nerves, and ultimately the growth of an eye such as is found in the higher animals, have all proceeded through stages which are easily followed. One thing, however, is quite certain if we can place any faith at all in the conclusions of science, and that is that at one time a sense of sight, as we recognize it, did not exist. This being the case, that sense must have been developed by a series of advances, each of a greater or less extent, until it reached the degree of perfection in which we now find it. This process, if we accept the generally received scientific history of this earth, must have taken millions or perhaps billions of years; will it take as long to develop a new sense in man?

Upon this point no opinion can be formed, but there are several agencies at work which may greatly shorten the process and which are decidedly worthy of our consideration.

The most important of these is the action of intelligence working through the mental recognition and appreciation of the new faculty. If a highly sensitive nervous state should be developed in some person of unusual intellectuality, who would thus be enabled to have a sense perception of an entirely new order of vibrations, perhaps in some medium now unknown to us, and, indeed, hitherto unthought of by us, this condition might be fostered until a new avenue had been opened up and this new power of perception, if transmitted to descendants, might give rise to a new race whose mental as well as sense faculties would be far in advance of anything ever hitherto recorded.

The impossibility of forming any idea of the direction which such a new sense might take, may be best illustrated by supposing a race born without ears and without any sense of hearing. Let us further suppose that they never had any communication with a race which possessed that sense. What idea could they form of the (to them) new sense? And if a human being, having all the senses now possessed by us, should visit them, how strange those curious appendages which grow from the sides of our heads would appear, and how inexplicable to them would be the faculty of hearing and the various acquirements of speech, music, etc., which depend upon this sense?

And would not all this be equally true, as applied to man as he now exists, if we suppose the advent among us of some being with a new and hitherto unknown sense, and with special and prominent organs adapted to facilitate the exercise of the functions of that sense?

The advent of such a being, especially if of the same race as those amongst whom he appeared, would be perilous to the new sense, unless it occurred amongst a very intelligent people, fully prepared to welcome the new order of things. That we may fully realize what this danger would be, let us suppose that amongst a race devoid of hearing, and of the organs necessary to this sense, a child should be born with ears. If this people were no more highly advanced than the average man of to-day, the first thing the parents would probably do would be to send for a surgeon to remove those strange and cumbrous excrescences and to close up the holes. And if such a development were to occur amongst a race devoid of ears and without the sense of hearing, and on a level as to knowledge and superstition with the Puritans of New England, as they were two hundred years ago, the strange appendages would no doubt be regarded as a mark of the devil, and when the child began to show a sensitiveness to sounds, this opinion would be confirmed and the poor little thing would undoubtedly be taken out and solemnly burned, and the mother might think herself very fortunate if she were not tied to the same stake under the plea of purifying the land from sin.

But it is to be hoped that if ever a child, giving indications of a new sense, should appear on earth, it will be carefully

nurtured and trained and regarded, not as the work of the devil but as the choicest gift of God.

Such are a few scattered thoughts upon a subject of most sublime interest. That a development such as that at which I have hinted is within the range of possibility is unquestionable; whether or not it is in the least degree probable only He who formed the eye and the ear can tell.

But for myself, when I consider that in the animal kingdom the development of sense and sense organs has progressed with equal step with the development of mind, I cannot help believing with the Apostle that "Eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love him."

And with a poet of our time :

Yet I doubt not through the ages one increasing purpose
runs,

And the thoughts of men are widened with the process of
the suns.

SOCIAL ASPECTS OF TUBERCULOSIS.

BY F. E. DANIEL, M. D., AUSTIN, TEXAS.

You have given me for a subject, "The Social Aspect of Tuberculosis." In the whole range and scope of social science, as broad and comprehensive as it is, embracing every interest of the social body of the nation—its commercial, financial, industrial, scientific, religious, economical and political—there is no more important subdivision than that of the public health. It is the one vital subject, the foundation upon which rest the prosperity, the integrity, the welfare, the perpetuity—the very existence of a State or nation. It is of vastly more importance than are those conditions which affect the morals of the people—crime and prostitution, for instance, as vast and far-reaching as are their pernicious influences; or of industrial disturbances, as "strikes," etc.; or of pauperism, or of any of the problems with which the student of sociology is confronted.

In a consideration of the subject we should take into account all those things which affect the health and threaten the life of the citizen. We will limit ourselves, however, to a brief consideration of consumption in relation to the public "The Social Aspect of Tuberculosis." It is a phase of the science that strikes at the underlying principle of the social fabric—the public health. It is the blight upon the nation—the one chief factor in death and decay—the overshadowing evil that perpetually hangs like a pall upon every people. It destroys more lives than "plague, pestilence and famine, battle, murder and sudden death." It is responsible for 16.16 per cent. of all the deaths from all causes, including war and famine. That is, about one-sixth of those who die of consumption, every year, everywhere, all the time! And yet, it is a preventable disease, easily preventable! What a

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commentary upon our civilization and boasted enlightenment! We hasten slowly. We make slow progress in preventive medicine—a progress out of all proportion to the advances made in every other line of human thought and activity.

How far-reaching and disastrous are the ravages of tuberculosis may be seen at a glance at a few figures of the statistician. Dr. W. S. Carter, of the Medical Department of the University of Texas, at Galveston, in a paper presented to the Texas State Medical Association at Dallas last April, says that in the United States there are one hundred and fifty thousand deaths from consumption every year. That is about 50 per cent. more than the total deaths in the United States from yellow fever in a century! And yet, in face of these appalling facts, the health machinery of many of the States and of the United States is directed almost solely towards the prevention of epidemic diseases of foreign origin; and nearly all of the vast amount of money spent for sanitation is expended in the endeavor to prevent the introduction of those diseases into our midst; that is, for quarantine and inspection of service. One hundred and fifty thousand lives lost every year in the United States by one preventable disease! It is estimated that the money value of those lives—to say nothing of time lost, suffering, expense of treatment and nursing; that is, the value to the State of a citizen as a producer, or a soldier, if need be—is about one hundred and fifty million dollars, a sum sufficient to pay the public debt, or to build an isthmian canal every year—that is about one-fourth of one per cent, of the entire population. If unchecked, at that rate, in about forty years, the population will be decimated. The world stands awed and shocked at contemplating the destruction of forty thousand people by an earthquake. It would be horrified at a war in which one hundred and fifty thousand were slain. And yet, that number of our people fall every year in these enlightened United States by tuberculosis alone, and it is scarcely known or heard of except by the sanitarian and the physician.

But at last the people are being aroused to a realizing sense of this enormous and needless loss of life; the whole medical world is awakened to the importance of devising means to suppress and eliminate this terrible scourge. Tu-

berculosis congresses are being held everywhere, and special sanitariums are being established for the treatment and cure of the indigent consumptive. A sentiment has been created in Texas, too, by the physicians, and our people are beginning to move to take some steps towards arresting the spread of the disease. It is hoped that at the approaching session of the Legislature the medical societies of the State will be able to secure the passage of measures looking to that end—the creation of a State Board of Health, with power to formulate and enforce measures of prevention and the establishment of consumptives' hospitals, in which the "floating population" of migratory consumptives of the pauper class that drift southward every winter, may be "corraled," "retired from circulation."

Any proposed reform, however rational, is apt to meet with opposition. Any reform that strikes at preconceived and established ideas, doctrines and customs, is necessarily of slow growth; and whenever any reform is instituted, there is not infrequently a reaction, and we are apt to go to an opposite extreme and substitute one evil for another. Hence, in the matter of dealing with the prevention of consumption, calm and deliberate judgment and good sense must prevail in order not to create alarm or panic.

In the French revolution, when the people, goaded to desperation by centuries of wrong and oppression, rose in their might, killed their king and queen, exterminated the aristocracy, and seized the government, they went to the extreme of killing each other, and inaugurated the "Reign of Terror." There is danger here of going to extremes in the endeavor to arrest the spread of consumption. In our anxiety to protect the public we may institute unnecessarily severe measures, the enforcement of which would work great hardships and be an outrage on humanity. The impression prevails very generally, unfortunately—and it is upon the authority of those who know better (but it grows out of a confusion of terms)—that consumption is contagious. It is remarkable that words are used as synonyms, that have, often, widely different meaning. "Contagious" and "infectious," "communicable" are generally accepted and used as meaning the same thing, and yet there is a difference in many ways between a "contagious" disease and a "communicable" disease. A disease may be communicable without being con-

tagious, as are typhoid fever, cholera and consumption. But all these are communicable, and infectious in the sense that the poison thrown off by them in the secretions may and do infect, and hence communicate the disease to well persons. I repeat and wish to emphasize it: Consumption is a communicable disease, but it is in no sense contagious—that is, it cannot be “caught” by contact. That is the meaning of the word. It is not possible for a sound, healthy body, coming in contact with a consumptive body, to acquire consumption. Nevertheless, upon the authority of the Surgeon General of the Marine Hospital Service of the United States, backed by that of the United States Treasury Department, of which the Marine Hospital Service is a sub-department or bureau, the fiat has gone out that upon a construction of the public health laws by the Attorney General, consumption is “a contagious disease, dangerous to the public health.” In June last the Superintendent of Immigration of the United States issued an order, based upon this decision, that all consumptive immigrants, without distinction, rich and poor, big and little, shall be excluded from the shores of the United States. Previous to this order the Board of Immigration, after having received the opinion of the health officer of the port, had some discretion, and it was possible to admit a child afflicted with consumption, accompanied by healthy parents, or a consumptive wife along with her healthy husband, for instance; but under this ruling every consumptive must be sent back. This involves the separation of parents from child, of husband from wife, the disruption of whole families. Reflect a moment upon the unwisdom of such a course, the utter needlessness of it, not to say the inhumanity and injustice of it. I have heard it seriously proposed to stop consumptives at the State line and refuse them admission to our State. I am under the impression that such a policy is in force in California. Such action would be unwise, irrational, inhuman. It would be worse than the “shotgun quarantine” of former years. It would create a panic in the public and unjustly put a stigma upon thousands of good citizens and desirable immigrants, sufferers from an acquired disease. The consumptive is not a danger to be shunned and fled from like the plague. He is not a leper, “unclean, unclean,” to be avoided upon all occasions. He can be rendered harmless by the observance of simple and ra-

tional measures, and many will recover under proper hygienic conditions and environments.

And here let me say a word about the exploded yet popular fallacy that consumption is a hereditary disease. It is not. It cannot be transmitted from parent to child, but the child may, and often does, acquire it in the way that we now know that it is communicated, by infection from the expectorated matter that contains the poison (tubercle bacilli). A predisposition to consumption may be transmitted from an invalid parent, a weakened vitality that would predispose to almost any disease, but consumption is never "inherited." The measures of prevention are: First, every case of consumption should be reported to the health officer, and should be instructed and shown how, and enjoined for his own safety and that of others, to destroy the expectorated matter that contains the poison (tubercle bacilli), and, in fact, all the excreta; to live in well-ventilated rooms; to bathe often, cold baths being preferable, they are "tonic"; to live out-of-doors as much as possible, sleep with open windows, avoid drugs and stimulants, eat wholesome and nutritious food and plentifully; take frequent exercise, stopping short of extreme fatigue, etc. The rooms occupied by the consumptive should be daily opened to the sun and air, though they alone will not disinfect the room; the bacilli are very tenacious of life and can only be destroyed by chemical means or by fire. All excreta should be burned, and the cuspidors should always contain a solution of bichloride of mercury or carbolic acid. Better, small paper receptacles made for the purpose should be carried by the patient and destroyed at convenient opportunities. All sleeping apartments and sleeping cars occupied by a consumptive should be disinfected at intervals, sterilized by the well-known germicidal gases, sulphur dioxide and formaldehyde. Ever since the discovery of the tubercle bacillus by Koch we know that this germ is the source of the disease. It gets into the dust after the expectorated matter has dried, and a well person acquires the disease by inhaling the dust into his lungs, and a patient, recovering from the disease, reinfects himself. Hence, if the expectorated matter be promptly destroyed the disease will be disarmed of its dangers, and that should be done in every case. Ordinances should be enforced everywhere prohibiting spitting in public places by all persons.

These are precious truths and should be made known to the public. The people should be made to realize the danger of disregarding the warnings. How can this be done? Physicians and sanitarians meet and discuss these things. They are published in the medical journals, but the public do not get the benefit of it. The lay press is very reluctant to publish such matters because the editors do not understand and appreciate the enormous importance of disseminating the information. We are like a convention of teachers holding sessions with closed doors. The pupils of the schools do not get the benefit of the teachings. One important feature of the proposed State Board of Health will be the preparation of literature on this subject and its general distribution among the people.

There is a great deal of missionary work to be done, too, in our own ranks. A great many of the rank and file of the medical profession do not understand the true nature of tuberculosis, and, therefore, do not know how to deal either with its prevention or treatment. Their minds must be disabused, too, of the "hereditary" fallacy.

Any remarks upon the treatment of the disease would scarcely come appropriately under the head of my subject, but as the greater always comprehends the lesser, it will not be amiss to say that the best thought of the medical profession of the world now is that drug treatment is useless, and worse than useless, and it has been abandoned. The *materia medica*, so far as it is of use in treating consumption, except as palliative in certain cases, has been relegated to the attic of exploded dogma. It is only by prevention that the disease can be controlled and finally exterminated, and by hygienic measures that it can be cured. The means necessary to the first are so simple and easily used, and enforced by authority, if necessary, that they should be instituted at once. The hope of exterminating the disease, however, is Utopian. It involves a complete change in the manner of living and in the construction of dwellings, factories, shops, railway coaches—day and sleeping. All upholstered furniture and equipment, even carpets, should be abolished in hotels, boarding houses and sleeping cars. Dwellings and all living apartments and public conveyances should be constructed, not only for comfort and convenience, but with an eye to preserving the health—the avoidance of the causes of the dis-

case—which are now very generally known to the medical men and must be taught every citizen. The means employed to preven the spread of the disease from the sick to the well, and the reinfection of the patient himself (auto-infection), are suggested by and should be based on the etiology of the disease, and a knowledge of the manner in which it is propagated. Destroy the poison that is thrown off from the coughing consumptive. destroy the germs that linger in the dust, in the furnishings and crevices of the apartments and conveyances that are, or have been, occupied by him. Consumption is not a quarantinable disease, and should not be quarantined. In public institutions, however, hospitals, penitentiaries, asylums, etc., it is best to separate the consumptive from the other inmates. The treatment of those already afflicted with the disease must be hygienic. "Sanitation is the medicine of the future," said Professor Chaille; drainage, correct plumbing, ventilation, suitable climate, pure water, fresh air—and plenty of it—sunshine, cleanliness, nutritious diet, cheerful environment, diversion, exercise, etc., and sterilized apartments; everything, in fact, that makes for health of body and mind.

It is remarkable how near we have come, in the past, to hitting on the truth and solving certain problems; this very one of consumption amongst them. When King Edward VII ordered the founding of the King's Sanitarium for Indigent Consumptives, a prize of \$2,500 was offered for the best essay upon consumption and the management and treatment of the disease, and its prevention. Dr. Arthur Latham was the successful competitor. He advocates the hygienic method of treatment and taboos drugs. Says a writer in *The Hospital* (a medical magazine published in London), speaking of the subject:

"It is one of our amiable weaknesses to hold patent medicines in ridicule and contempt, but what could be more ridiculous, considering the teachings of the dead-house, than the current treatment of consumption so aptly described by Dr. Latham—a mere pouring in of drugs without any attempt to touch the root of the disease. Yet in the midst of all this drugging, which has been going on far longer than we can remember, there have been men who saw the truth.

"So far back as 1840, George Bodington insisted on the importance of a generous diet and a constant supply of pure

air, and propounded the terrible heresy that 'cold is never too intense for a consumptive patient.' In 1855 Dr. Henry MacCormac, the father of the late Sir William MacCormac, published a book on somewhat similar lines, and in 1861 read a paper before the Royal Medical and Chirurgical Society in which he advocated what are now established principles. Yet what was the treatment which these pioneers received at the hands of their professional colleagues? 'Bodington's book,' says Latham, 'met with much bitter and fierce opposition, and eventually the disapproval of his methods became so universal that patients were driven from his sanitarium,' while 'the members of the Royal Medical and Chirurgical Society refused to pass the usual vote of thanks to Dr. MacCormac, because they thought that the paper was written by a monomaniac.' * * * Meanwhile, notwithstanding our ostracism of new ideas, the teaching of Bodington, of MacCormac, and of the modern host of sanitarium owners has prevailed; and now, at last, in the full sunshine of royal patronage, we admit how simple is the truth expressed as it is by the motto of Dr. Latham's essay: 'Give him air; he'll straight be well.' What sycophants we all are!"

That sets the pace. The King's Sanitarium sets the precedent. The world will follow. The treatment of consumption for the future must be hygienic, sanitation and ventilation, and our people are slowly awakening to this; we must arouse them. The more enlightened amongst the people are beginning to understand that fresh air, and the "bugaboo" "night-air" is not injurious, and that cold water is not poisonous.

THE AMERICAN CONGRESS ON TUBERCULOSIS

*We clip from the Texas Medical Journal the following article
from the editorial columns edited by*

F. E. DANIEL, AUSTIN, TEXAS,

First Vice-President American Congress on Tuberculosis.

Few persons other than sanitarians and statisticians have any adequate idea of the ravages of consumption. According to the United States census report there died from consumption in the United States, in 1900, 111,000 persons, so far as reported. The registration districts in the States where records are kept and reports made embracing only about one-third of the population; that is, the rural population, as a rule, is not represented in these reports. A calculation based on this fact and on the given ratio would give us a total for 1900 of 145,000 deaths; and for the census year of 1890, 154,000, or an average yearly of about 150,000. Thus in the decade between the census years there were in the United States one and a half million deaths from consumption.*

In the War of Secession there was a total loss of three-fourths of a million soldiers all told, both armies, from all causes. The war lasted, say, five years. It will be seen

*Says Professor W. S. Carter, (Trans. Texas State Medical Association 1902, p. 366-7): "It might be contended that this estimate is too high, as the registration area includes mostly the urban population, while the non-registration area represents largely the rural districts. Against this argument it may be stated that the total number of deaths recorded, from all causes, for the non-registration area was 526,425, although the population was two-thirds that of the entire country (47,000,000), while the total number of deaths from all causes in the registration area was 512,669. The latter only represents a little over one-third (28,000,000) of the total population. It is entirely safe to say that there were approximately 150,000 deaths from tuberculosis in the United States every year from 1890 to 1900."

that at the present time as many persons are dying yearly from consumption as were lost yearly by both sides, from all causes, during that terrible conflict.

If the bubonic plague were raging in America, and four hundred people were dying daily, every day, all the time, year in and year out; or there was a war in progress on our soil with such a death loss, what would be the state of public sentiment? There would be a panic and a stampede. Every resource of science and skill, every influence and power and agency on the part of government—State, national and local—would be invoked and put into exercise to stop the fearful havoc. And yet, that is just what consumption is doing. It is killing four hundred and eleven people every day, every year—all the time, and no one seems to know it or heed it except the sanitarian and the statistician, and they are powerless to prevent it.

Consumption is a disease easily preventable. It is in no sense contagious, nor is it hereditary, as it was once thought to be. It is, however, highly infectious, and therefore communicable from the sick to the well, the infection being the poisonous matter coughed up by the patient. To prevent the spread of the disease and the reinfection (auto-infection) of a person getting better or well, it is necessary to destroy this poison. It can be readily seen that if this be not done it gets into the dust of rooms or cars, and lodges in carpets, blankets, curtains, and all upholstered furnishings where it can not be reached by any cleaning up process, however thorough, nor by any disinfectants other than in the form of gas; this alone can reach the deadly germs (tubercle bacilli), and destroy them in situ. In fact, in the interest of health, all carpets, rags, and upholstered furnishings should be abolished. The bacilli of consumption, the cause of the disease, are very tenacious of life, and can only be destroyed by chemical means or fire. Sunlight, even the direct rays, will not kill them, nor will "fresh air," nor hot air, nor deodorizers, such as sheets wet with so-called disinfectants.

The question of limiting or arresting the spread of communicable disease is not solely a medical one. The medi-

cal men can only expound the causes and methods of propagation, and advise. They can preach the gospel of cleanliness, and expound the laws of hygiene, and recommend measures of prevention and protection, but they can not enforce them. The strong arm of the law must be invoked. Texas appreciates this fact, and it is a matter of pride and congratulation that she is first, and, so far, the only State in the Union to pass a law requiring disinfection (not simply "cleaning up") of public buildings and public conveyances in the interest of public health. This law went into effect July 1st, but is not yet in practical operation. Many of the railway surgeons of the State were here last week in conference with the State Health Officer as to the best methods and details, and it is understood that the State Health Officer is now preparing rules and regulations to be enforced in all public places for the protection of the public.

Meantime a concerted movement throughout the United States and Canada has been inaugurated by medical and legal scholars under the auspices of the Medico-Legal Society of New York, to stimulate a public sentiment and arouse the people, and, through them, the Legislatures and Congress to the necessity of protecting the public against this great and fatal danger not appreciated, indeed, scarcely suspected by the average citizen. The American Congress on Tuberculosis has been organized and will meet next spring in St. Louis during the great centennial. It will be held under the patronage of many of the most distinguished men, both medical and legal, in the United States, among whom are Secretary of State John Hay, Surgeon General Rixey of the navy, General Russell A. Alger, Surgeon General Nicholas Senn, the Earl of Minto (Governor General of Canada), all of whom, and many governors of States and statesmen are amongst the honorary presidents of the Congress. Its object is to put into operation every measure of prevention known to science, to secure the necessary legislation to this end, and to educate the people how they can avoid the disease; at least how the spread of the disease from the sick to the well may be

measurably prevented by the observance and enforcement of sanitary precautions, both in families and in public. Thousands of lives will be saved annually by railway disinfection only.

The success with which sanitary science has dealt with yellow fever, eradicating it from its stronghold in Cuba, where, for two centuries, it has been endemic; with bubonic plague in Manila, and with cholera, that once dread scourge, warrants the hope and belief that in time it can greatly diminish the ravages of the great white plague, and by attacking the cause, as was done in the cases cited, it can finally be rendered practically harmless. It will require, however, a revolution in many details of public life and travel and in domestic life. Meantime much, a great deal, can be done towards limiting the spread of the disease and thus diminishing the fearful death loss. The people must be educated in sanitation. Its principles must be taught in our schools, and enforced at the same time. The law applies, of course, to public schools, and will, of course, be enforced.

The movement to create the American Congress on Tuberculosis was inaugurated by Hon. Clark Bell, long time President of the Medico-Legal Society and the well-known editor of the *Medico-Legal Journal*; and the successful organization of the Congress—despite opposition and even treachery on the part of certain medical men whose coöperation he had invited—is largely, mainly, due to his intelligent zeal in the cause. The medical profession owe him much; the American people more. His work in this alone will be a monument to his name, and history will give him a place by the side of Pinel, Parr, Howard and other great humanitarians and philanthropists.

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It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

CONFERENCE ON RAILWAY CAR SANITATION; THE NEW TEXAS LAW.

Dr. Geo. R. Tabor, State Health Officer of Texas, asked the surgeons of the Texas railroads to meet him at Austin on the 4th inst. for the purpose of a general conference as to what is being done by the several roads in the way of sanitation, and the steps that should be taken to carry into effect the new law requiring disinfection of sleepers and day coaches. The law requires disinfection of railway coaches, under heavy penalty for failure, the manner and means and the time of such disinfection to be in accordance with rules and regulations to be prescribed by the State Health Officer. Before formulating said rules Dr. Tabor wished to get the views of the distinguished gentlemen who represent these important interests. Of course, when a car becomes infected with any of the acute contagious diseases, and is known to be infected, it is turned over to the quarantine officer at nearest point of fumigation and cleansing before it is again used. But the assumption is that upholstered cars, both day and sleeping, are infected all the time, with tubercle bacilli especially, and to cause the removal of this and other great dangers to the traveling public, as far as it is possible to remove it, is the end and object of the law, and of the conference. Texas is the Mecca to which thousands of persons afflicted with tuberculosis travel in hope of cure or betterment by the mild climate, and of course they infect the cars. The incoming of these unfortunates is greatest on the approach of winter, and the exodus occurs in the spring. The travel of consumptives on the Texas railroads is very heavy at those times. The general public must be protected from the poison given off by them. It is a difficult problem and can not be at once and entirely solved; but much can be done to lessen the evil.

Dr. Tabor's call was responded to by the following surgeons, representing the principal roads doing business in Texas :

Dr. G. W. Cale, Springfield, Mo., Chief Surgeon Frisco Line ; Dr. S. C. Red, Houston, Texas, Chief Surgeon Houston and Texas Central ; Dr. R. W. Knox, Houston, Texas, Chief Surgeon Southern Pacific (Sunset lines) ; Dr. Bacon Saunders, Fort Worth, Texas, Chief Surgeon Fort Worth and Denver Lines ; Dr. W. A. Durringer, Fort Worth, Texas, Chief Surgeon Rock Island Line ; Dr. C. A. Smith, Tyler, Texas, Chief Surgeon Cotton Belt Line ; Dr. W. G. Jameson, Palestine, Texas, Chief Surgeon International and Great Northern System ; Dr. W. C. Jones, Walnut Springs, Texas, Chief Surgeon Texas Central ; Dr. W. H. Monday, Terrell, Texas, Chief Surgeon, Texas Midland ; Dr. A. C. Scott, Temple, Texas, Chief Surgeon Gulf, Colorado and Santa Fe ; Dr. R. F. Miller, Sherman, Texas, Oculist to Frisco Line, Katy and others.

There were also present Dr. John Preston, Superintendent of the Epileptic Colony, Abilene ; Mr. D. H. Martyn, of St. Louis, Division Superintendent of the Pullman Sleeping Car Co. ; Mr. O. S. Newell, of San Antonio, Division Superintendent of the Pullman Sleeping Car Co. ; Mr. Ennis, of the same interest, and a distinguished and representative traveler of the Commercial Travelers or T. P. A. Association, in the person of Mr. Marchbank. The editor of the *Texas Medical Journal* was also present by the courtesy of an invitation from the State Health Officer.

Dr. Tabor called on each of the gentlemen present for a statement of what sanitary measures are employed on their respective roads and for suggestions for the better protection of the traveling public, and each one responded, briefly detailing the orders which are given to their trainmen and employes. It consisted of general sanitary policing, and in some instances of efforts at disinfection, by the use of solutions of bichloride of mercury in spittoons, the use of sawdust dampened with it for sweeping, its use as a spray in some cases, the blowing out of cars by compressed hot air, etc.

Mr. Martin said that sheets wet with formaline were hung in the coaches at the end of the run, etc., in addition to blowing out and the use of a disinfectant, the formula of which he read.

Mr. Marchbank said he had traveled on every road in Texas, often riding in second class or general coaches, where travelers smoke and spit on the floor and put their feet on the seats or in a fellow passenger's lap, and sometimes do the hog act generally, and to his certain knowledge the rules and regulations as to spitting, etc., and keeping clean generally, were not enforced or obeyed. There is a crying need for authority on the part of somebody to enforce these rules.

When all the representatives of railroad and traveling interests had been heard, Dr. Tabor said he wanted to hear from Dr. Daniel, the editor of the "Red-Back," one known to all present as deeply interested in sanitary science and the public health.

Dr. Daniel responded briefly. He said that all the reports showed more or less efficient sanitary policing, but that with the exception of the International and Great Northern Railroad none of the roads were disinfecting the cars in the sense contemplated by the law. Dr. Jameson, Chief Surgeon of that road, had said that the International and Great Northern were using, with satisfaction, a certain device of a formaldehyde generator. Dr. Daniel pointed out that the law requires disinfection, sterilization; and that this can not be accomplished by hot air, ventilation, sunshine, cleaning up, nor by the use of liquids as spray, nor by sheets wet with formaline. The danger lies in the dust of the car, in which the living organisms of consumption, coughed or spit up by consumptive travelers, and other diseases have found lodgment, and this dust permeates the carpets, curtains, cushions and all textile equipment in the car; that they can not be reached by any other agency than a germicidal gas, which must be generated in such volume as to be forced into and through all such fabrics. It is the conclusion of all authorities, he said, that for this purpose formaldehyde gas alone is effi-

cient. He pointed out the objections to sulphur, or chlorine, their bleaching and corroding properties. Besides these objections, they do not kill pathogenic bacteria. The choice of germicides is narrowed down to a gas, which alone can reach the bacilli anywhere and everywhere and kill them, and the choice of a gas is narrowed down to formaldehyde. There are numerous devices on the market for making formaldehyde—all more or less efficient—and it is only a matter of choice, he said, or selection of the device found by trial to generate the gas in greatest quantity and with the greatest rapidity, *cæteris paribus*.

So long as cars are upholstered with germ-harboring fabrics, so long would it be necessary to *fumigate* them; no amount of cleaning up or keeping clean will sterilize them. The day will come, he said, when the interest of the public health will demand that sleepers shall be as aseptic as a surgeon's operating room. It should contain nothing that can not be wiped off with a sponge wet with bi-chloride solution. Evolution is taking place in the sleeper as it did in the bedstead. We older ones remember when the bed and bedstead were an abomination in the sight of the Lord, with its curtains and things to harbor all sorts of germs. Now we have enameled iron or brass bedsteads as light as a cane chair, and the thinnest mattress and woven wire springs.

"If I were a railroad surgeon," said he, "I would advise the rapid elimination of all equipment in cars that can harbor disease germs. As new cars are constructed, let them be equipped with rattan or woven wire seats, discard woollen curtains and blankets, throw away all carpets and rugs. Use linen or glazed canvas curtains if you must have curtains. They can be boiled or washed with germicide solutions. In a few years this new car will have replaced the death-dealing, disease-harboring abominations now in use, and in which the unsuspecting public have to sleep. A man takes his life in his hand every time he lies down in one of the stuffy, ill-ventilated, over-heated, dust and disease-infected 'berths,' so-called."

In conclusion, Dr. Tabor thanked the gentlemen for their presence and assistance and said that he could not tell just when the rules would be issued, as his office force is extremely limited. He assured the surgeons that while the law would be enforced he would not assume autocratic power; that within the next few days some regulations will be issued, which, he said, would meet with general approval. He would adopt the suggestions for experiments to find a practical germicide and said they would be conducted. Thought disinfection should precede sweeping so as to not throw germs out on the public; objected to sweeping en route and said he would be particular as to watering the public. He also said the day has come for the elimination of plush, hangings, etc. Blowing out the dust does not destroy the germs; it only unloads them on the outside public. Dr. Tabor gave his views at length. His remarks met with much approval and were greeted with applause.—*Texas Medical Journal*.

TRANSACTIONS.

AMERICAN CONGRESS ON TUBERCULOSIS.

COUNCIL MEETING.

At a meeting of the Council of the American Congress on Tuberculosis held on July 11, 1903, pursuant to call of the Chairman, at the office of Clark Bell, Esq., Treasurer, No. 39 Broadway, New York, the Chairman, Moritz Ellinger, Esq., in the chair, and in the absence of Samuel Bell Thomas, Esq., Secretary, Clark Bell, Esq., was chosen Secretary.

The following members appeared in person and by proxy:

In person:—Moritz Ellinger, Esq., Chairman; Clark Bell, Esq., Treasurer; J. Mount Bleyer, M. D., M. Markiewicz, M. D.

By proxy:—A. P. Grinnell, M. D., by Henry M. Russell; Richard J. Nunn, M. D., by Henry M. Russell; Mihran K. Kassabian, M. D., by A. A. Jakobi; J. W. P. Smithwick, Esq., by A. A. Jakobi; E. J. Barrick, M. D., President, by Clark Bell.

The minutes of the last meeting of June 10th, 1903, were read on the organization of the former Council, and on motion duly approved unanimously.

The minutes of the new Council elected June 10, 1903, at the Annual Meeting were then read and on motion unanimously approved.

The Chairman of the Executive Committee announced that acceptances had been received from all the Honorary Presidents on the medical side, except one; on the legal side, except three.

That acceptances had been received from all the officers elected, except two of the Vice-Presidents, and from all the members of the Council except two, and that only one declination had been received that of the first Vice-President, which resignation had been accepted, and that a vacancy had occurred and now existed in the office for Vice-President.

It was moved and carried that the Council do now proceed to fill that vacancy by ballot.

Mr. Clark Bell moved and put in nomination for that office Dr. F. E. Daniel, Editor of the Texas Medical Journal, of Austin, Texas, and paid a glowing tribute to that gentleman's abilities and enthusiasm for the work of the body, and stated how fortunate it was for the Congress and cause that the great State of Texas was represented on the Board of Officers by so able and zealous a representative, and read some extracts from Dr. Daniel's letter to the Chairman of the Executive Committee, stating his desire to be active in such a cause, and promising to aid the movement by voice and pen in his Journal.

On the first ballot Dr. F. E. Daniel was unanimously elected First Vice-President to fill the vacancy.

The committee named to report By-Laws reported through Mr. Clark Bell, Esq., recommending the adoption of the By-Laws as submitted by the committee. The report was, on motion, received

and on motion, after discussion, the By-Laws as reported by the committee, were unanimously adopted, and were as follows:

BY-LAWS OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

ARTICLE I.

OBJECTS AND AIMS.

Section 1. This body is organized to prevent and avert the spread and increase of tuberculosis, the scourge of the human race.

Section 2. It aims to accomplish this purpose by

(a) Appropriate, conservative, sanitary measures judiciously and carefully prepared, so as to meet popular approval, which will diminish the known and recognized causes, and as far as possible, also arrest and avert the spread of the disease.

(b) To so educate and influence public opinion and sentiments as to ensure the enforcement of sanitary measures, and preventive legislative measures, which are best calculated to secure this result.

(c) The construction of National, State and municipal sanatoria for the early care and cure of the indigent and poorer citizens, thus not only meeting a great and crying want of those who are now victims of the disease, but to aid as enormous factors in diminishing the spread of the malady which is recognized as a communicable disease.

ARTICLE II.

OFFICERS AND THEIR DUTIES.

Section 1. The affairs of this Association shall be governed by a governing Council, composed of nine members, who shall have the management of all its affairs and business; who shall be annually elected by ballot and who shall have the power:

(a) To elect its own Chairman and Secretary.

(b) To fill all vacancies that occur in the Council by death, resignation or otherwise.

(c) To fill any and all vacancies occurring by death, resignation or otherwise of any officer of the body.

(d) To hear and determine all charges and complaints, and to suspend in its discretion, but only by a two-thirds vote of its members present, or represented at a meeting of the Council, and then only on written charges, which must be served by mail or personally on the accused, and on the order, and by vote of a quorum of the Council; and

(e) To manage all the affairs of the body.

PRESIDENT AND EXECUTIVE OFFICERS.

Section 2. There shall be a President annually elected by a majority of all the votes cast at the annual meeting, whose duty it shall be to preside at all meetings of the body, and to make an annual address at the close of his term.

VICE-PRESIDENTS.

2. There shall be five Vice-Presidents, numbered from first to fifth, whose duties shall be in their numerical order to discharge the duties of the President, in case of his illness, absence, incapacity or neglect to do so, who shall be elected at the annual meeting.

SECRETARY.

3. A Secretary, who shall be annually elected at the annual meeting, who shall keep the record and minutes of the meetings of the body, and do and perform such other duties as shall be required of him by the Council from time to time.

TREASURER.

4. A Treasurer, who shall be annually elected, who shall hold the funds of the body and disburse them only on the order of the Coun-

cil, evidenced by the signature of the Chairman of the Council, or such person or persons as the Council may, from time to time designate, direct and report quarterly to the Council.

5. The President, First Vice-President, Secretary and Treasurer shall be ex officio members of the Governing Council and have a seat and vote in its action and deliberations.

VICE-PRESIDENTS-AT-LARGE.

6. There shall be thirty-five additional officers elected annually, to be known and designated as Vice-Presidents-at-Large, whose duties shall be to co-operate with the objects and purposes of the body, contribute papers when requested and act on special committees when requested to do so by the Council, or Chairman of Standing Committee.

VICE-PRESIDENTS FOR STATES AND COUNTRIES.

7. There shall be designated by the Council, or by such committee as it names, three Vice-Presidents in each State and Territory of the American Union, Province or State or country, who affiliates with this body, of whom two shall be medical men and one legal, or layman, who shall have the charge and be the focus or head of all auxiliary work in each State, Territory, Province or country, in carrying out such measures and policy as the Council shall favor, order or recommend, and as the First Vice-Presidents of States have been selected at great expense and labor, that these be retained so far as practicable, if they consent, or unless more active and efficient officers can be secured.

8. The Council shall recommend for election such Honorary Vice-Presidents of the body, including Governors of States, public officers and eminent citizens of our own or of foreign countries, as we are in affiliation with such names, besides those who have already accepted and elected, as it shall deem for the best interests of this body, and shall have the power of electing the same in vacation at any time after the annual meeting has adjourned, including the Honorary Vice-Presidents named in the basis of organization.

ARTICLE III.

STANDING COMMITTEES.

Section 1. Besides the Executive Committee of Seven, the following Standing Committees shall be annually created to take charge of the several subjects, and to report at the next annual meeting after the selection, and shall be appointed by the Council annually, viz:

- (a) Committee on Preventive Legislation.
- (b) Committee on the Pathology and Bacteriology of Tuberculosis.
- (c) The Veterinary Aspects of Tuberculosis.
- (d) Sanatoria.
- (e) Climatology.
- (f) Light and Electricity.
- (g) The Surgery of Tuberculosis.
- (h) Resolution.
- (i) Ways and Means.
- (k) On acceptance, censorship and revision of contributions for Publication, and on Publication.
- (l) On the Press.

Section 2. These Committees shall consist of not less than five, nor more than eleven members; each committee shall have a chairman and a secretary, and after the committees are formed, the Council shall empower each committee to add to or increase its membership, and to fill vacancies occurring by death, resignation or otherwise, so as to insure the best work from each committee.

FINANCE COMMITTEE.

Section 3. The President shall appoint from the Council a committee of five to be called a Finance Committee, to be approved by the Council, who shall audit all bills of the Congress for the year in which it is named, who shall have authority to levy taxes to be laid on members to meet and discharge indebtedness, and to regulate the amount of the annual dues of members, and to designate one of its number to endorse its approval on all orders on the Treasurer for expenditures ordered by that Committee for the year in which it is selected, and shall execute all directions of the Council relating to the business or financial transactions of the body, relating to the year's business for which it is appointed or named.

COMMITTEE ON PUBLICATION.

Section 4. The Council shall annually appoint a committee of five members of the Association to take charge of all papers to be submitted for that year.

All papers to be read or submitted for publication must be sent to this committee in full or in abstract, at least four weeks before the meeting at which they are announced to be read, or are expected to be read.

This Committee will have full charge of excluding and editing all the papers prepared, and may accept or reject the same, and shall have full power over the reading and the publication of the same, subject to the approval of the Council.

The President and any of the Vice-Presidents that the Council selects shall be ex officio members of the Committee of Publication.

COMMITTEE ON TRANSPORTATION.

Section 5. The Council shall annually appoint at or immediately after the annual meeting, and on the organization of the Council for the current year in advance, a Committee on Transportation, consisting of five members who shall have charge of time and place of next meeting, banquets, museum, selection of hall and the enrolment and register of delegates at the annual meeting next ensuing, and shall have such other powers and duties as the said Council shall see fit to confer upon this committee.

Section 6. The Council shall annually appoint also a Committee on Invitation, consisting of five members, of which the President and one Vice-President which the Council shall designate, shall be ex officio members, who shall have charge of all invitations and of classification and arrangement of papers and lectures to be read at the annual meeting.

Section 7. A Nominating Committee, to consist of one member or delegate if enrolled, for each State, Province or country represented, also from the United States Army and Navy, the Marine Hospital Service, shall be appointed by the President on the first day of the Congress.

Section 8. All resolutions shall be referred without debate to the standing Committee on Resolutions, who shall report the same to the Council with their recommendations. The Council may, at its option, report the same later in the session with such recommendations as the Council deems best, and in such form or manner as it prefers.

ARTICLE IV.

MEMBERS AND DELEGATES.

Members and delegates shall be received from all reputable medical societies; from the Army, Navy, Marine Hospital Service, and all persons appointed by the Governors of different countries, States, Provinces and all societies for the prevention of Tuberculosis, and other legal societies and scientific bodies.

1. Dues of members for each year shall be fixed by the Council and shall be payable in advance.

2. The arrangement for the publication of the Bulletin shall be in the hands of the Council, and if enrolling fee is charged to provide for a published Bulletin, that shall be the province of the Council to fix and determine for the ensuing year.

3. The Council shall have power to drop the name of any member or delegate from the roll of members who is in arrears for dues, or assessments levied, if not paid within sixty days after notice by the Secretary or Treasurer.

MEETINGS.

The time and place of the annual meeting in each year shall be fixed by the Council unless fixed by the body. Special meetings of the body may be called by the Council on published notice thereof at least thirty days, specifying the object of the meeting.

Members of the body, or members of the Council, or any of the Committees, if unable to attend a session, may vote by written proxy, and their proxy may cast the member's vote.

Five members of the Council on a regular call signed by the Chairman's order, shall constitute a quorum of the Council for business.

Three members of any committee of five constitutes a quorum, if regularly called by the Chairman and Secretary.

AMENDMENTS.

These By-Laws may be amended at any meeting by unanimous consent.

Proposals to amend must be in writing, served on the Secretary thirty days before the annual meeting, and they must be adopted by a two-thirds vote of all the members or delegates present or represented by proxy.

On motion of M. Markiewicz, M. D., it was

Resolved, That as no Bulletin was necessary to be published in 1903 that the annual dues of the Congress of 1903, from June 4, 1902, to June 10, 1903, be, and the same are hereby fixed at the nominal sum of One Dollar each, and that the Treasurer be authorized and directed to send out bills for dues for that time:

1. To every enrolled member of the Congress of 1902.

2. To every delegate named by Governors of States, or by medical or other bodies and organizations who reported to the Congress of 1902.

3. To all new members of the Congress who have signified a wish to unite with the body, or who have been elected a member.

After discussion the resolution was adopted unanimously.

It was moved by Dr. Markiewicz that all who pay such annual dues be forthwith placed on the roll of members of the American Congress of 1903.

That enrolled members of the Congress of 1902, who are paid up on the books, who neglect to pay the said dues for more than sixty days after the Treasurer sends the bill for dues of 1903, may be, by a two-thirds vote of the Council, stricken off the Roll of the Congress and placed on the suspended list for arrears of dues by said vote of Council.

The Chairman of the Executive Committee called on the Treasurer for a report of the financial condition of the American Congress on Tuberculosis.

The Treasurer reported that there were no funds turned over to the Treasurer by his predecessor, Dr. Peter H. Bryce, who had not yet made any report of his receipts and disbursements from June 4, 1902, to June 10, 1903, when the successor to Dr. P. H. Bryce had been elected, although the said Dr. Bryce had been requested to report his receipts and disbursements in items with dates.

The Treasurer further reported that the body was indebted to various persons and corporations for printing, stationery, badges,

clerks, telegrams, stenographer, typewriting, expressage, hotel charges, postage and incidental expenses, which had been duly audited by the Auditing Committee, named and elected by the Congress on June 4, 1902, and he suggested that a committee of three be named by the chair to report on the amounts due, to whom, with dates and amounts, to the end that steps be taken by the Council for its liquidation and adjustment, and some plan devised to provide ways and means to meet the expenses of the body, which has now no income, except the provision for dues for the Congress of 1903, and the best plan of securing the necessary funds to make the Congress of 1904 at St. Louis a success.

That to defray the immediate expenses of the body, a subscription had been started, toward which the President had subscribed \$50, and the Treasurer \$50, the Secretary \$10, but that it had not yet been submitted generally.

Dr. Markiewicz moved that a committee of three be named to examine the unpaid and audited claims for the Congress of 1902, and report on the same in detail, and to present some plan of ways and means to carry on the financial side of the Congress of 1903 and of 1904 at St. Louis.

After discussion it was carried unanimously, and the Chair named as such committee, Dr. M. Markiewicz, M. Ellinger, Esq., and A. A. Jakobi, Esq.

The Committee submitted its report through A. A. Jakobi, Esq., which was read, received and ordered to be entered at length upon the minutes.

Mr. Jakobi then, as proxy for Dr. Kassabian, moved the adoption of the report and that the committee be discharged from further consideration of the subject.

Mr. Henry M. Russell, proxy for Richard J. Nunn, M. D., moved that the President, Secretary and Treasurer be authorized and directed to send an invitation to the State Boards of Health of the various States of the American Union, and of all foreign countries on the American Continent, to send delegates to the Congress to be held at St. Louis in 1904, and to invite them to contribute papers; and also to the State Medical Associations of the said several States, Provinces and countries who are believed to be in sympathy with the work of the body, which being put to vote was carried unanimously.

It was moved and carried that the Chairman of the Executive Committee, the Chairman of the Council, the President, the Secretary, the Treasurer and the First Vice-President be, and the same are hereby appointed to select a committee of the whole body who are instructed:

1. To organize a Committee on Reception for the St. Louis Exposition, with power to appoint names upon the Committee in their discretion.

2. With full power to appoint and fill any vacancy that may hereafter occur by death, resignation or declination of any officer elected at any meeting of the Congress on June 10, 1903, or to fill the vacancy in any Committee created and provided for at the annual meeting.

The Chairman of the Executive Committee suggested that in his opinion it would be wise for the Council and the general good of the body if a confidential advisory committee be formed of prominent friends of the movement throughout the country as represented, and asked for the expression of the sense of the Council on the subject.

It was moved by M. Markiewicz that the whole subject be referred to the Chairman of the Executive Committee, the President and the Chairman of the Council with full power to take any action that they deem for the best interests of the Congress, and with power to appoint such Advisory Committee if they deem it advisable. Carried unanimously.

On motion of Dr. Markiewicz it was unanimously

Resolved, That until the formation of the Standing Committee on Publication, the Chairman of the Executive Committee, the Chairman of the Council, and the President, act as Committee on Publication, and that they have authority to embrace in the forthcoming Bulletin of the Congress so much of the action of the Executive Committee and the Council as they deem proper, at the charge and the cost of the Congress at \$1.00 per page.

That they may also include such articles or matter not read at the Congress, as would, in their judgment, add to its usefulness and value, contributed by any of its officers or members on subjects germane to the work and mission of the body.

On motion of Dr. M. Markiewicz it was unanimously

Resolved, That the Medico-Legal Journal be, and the same is hereby designated as the official organ of the American Congress on Tuberculosis, and that matter inserted in the Journal or Bulletin of the Congress, on the order of the Council, shall not be charged for at any greater price than \$1.00 per page, the same price as the contract price of the Bulletin of the Congress of 1902.

It was moved and carried that a copy of the foregoing action be sent to the members of the Council who were not present or represented by proxy for their approval.

M. ELLINGER, Chairman.

CLARK BELL, Treasurer.

E. J. BARRICK,

By Clark Bell, proxy.

SAMUEL BELL THOMAS,

By Clark Bell, proxy.

MIHRAN K. KASSABIAN,

By A. A. Jakobi, proxy.

J. W. P. SMITHWICK,

By A. A. Jakobi, proxy.

J. MOUNT BLEYER.

AMERICAN CONGRESS ON TUBERCULOSIS.

FOURTH ANNUAL MEETING.

The American Congress on Tuberculosis met on June 11, 1903, at the Press Club, No. 116 Nassau Street, New York, at 2 o'clock P. M., pursuant to call issued by the authority of the Governing Council.

In the absence of the President, First, Second, Third and Fourth Vice-Presidents, Clark Bell, Esq., Fifth Vice-President, took the chair and called the Congress to order; Samuel Bell Thomas, Esq., acting as Secretary.

Mr. Bell made a brief address on opening the Congress and declared it open for the transaction of business.

The following States were represented by members and delegates in person and by way of proxies:

Arizona, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Mexico, New York, North Carolina, Pennsylvania, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wyoming, Guatemala, Hayti, New Brunswick, Ontario, Porto Rico.

The Executive Committee submitted a report to the Congress which was read by the Secretary.

On motion of Dr. Markiewicz the report was received by unanimous vote, and on like motion the report was unanimously adopted.

It was, on motion of Dr. Markiewicz, moved and carried unanimously that the Chair appoint a Committee of Five on the Revision of the Constitution and By-Laws, with instructions to report at this meeting.

The Chair named as such committee Hon. Moritz Ellinger, Chairman; Samuel Bell Thomas, Esq., R. W. Shufeldt, M. D., M. Markiewicz, M. D., and Ex-Judge Abram H. Dailey.

Mr. Ellinger, Chairman of the Council, submitted to the Congress on behalf of the Council its action on May 6, 1903, which was read by the Secretary and ordered placed on file and to be spread upon the minutes of the Congress.

On motion of Judge Abram H. Dailey it was unanimously resolved that the action of the Council of May 6, 1903, as so reported by the Chairman, meets with the approval of this Congress, and is hereby ratified and in all things duly approved.

Mr. Ellinger, as Chairman of the Council, reported as its recommendation the election of the following Standing Committees:

THE EXECUTIVE COMMITTEE.

Clark Bell, Esq., Chairman, of New York City.

Dr. A. N. Bell, M. D., of Brooklyn, N. Y.

Hon. Moritz Ellinger, of New York City.

Hon. Judge Abram H. Dailey, of Brooklyn, New York.

Dr. J. Mount Bleyer, of New York City.

Dr. A. M. Linn, State Board of Health, Des Moines, Iowa.

Samuel Bell Thomas, Esq., of New York City.

On motion the recommendation of the Council was adopted and the Executive Committee, as recommended, was duly elected by ballot.

The Council recommended the election of the following Committee on the Auditing of Bills:

Hon. Moritz Ellinger, Chairman, of New York City.

Dr. A. N. Bell, of Brooklyn, N. Y.

Dr. T. D. Crothers, of Hartford, Conn.

Dr. E. J. Barrick, of Toronto, Ontario.

Samuel Bell Thomas, Esq., of New York City.

The Congress proceeded to the election of said Standing Committee and the same were declared duly elected.

Mr. Ellinger, as Chairman of the Council, submitted the following Standing Committees, which had been ordered by resolution:

(a) Committee on Preventive Legislation:

Clark Bell, Chairman, of New York City.

T. Henry Davis, State Board of Health, Richmond, Indiana.

Hon. J. M. Emmert, M. D., State Senator, Atlantic, Iowa.

Dr. John S. Robinson, of Chicago, Ill.

Dr. E. J. Barrick, of Toronto, Ontario.

(b) Committee on the Pathology and Bacteriology of Tuberculosis

Dr. H. Edwin Lewis, Chairman, of Burlington, Vermont.

Dr. W. S. Magill, of Carnegie Laboratory, New York City.

Prof. J. J. Kinyoun, of Glenolden, Pa.

Dr. Louis Le Roy, of Nashville, Tenn.

(c) The Veterinary Aspects of Tuberculosis

Hon. D. E. Salmon, Head of Bureau of Animal Industry, Washington, D. C., Chairman.

Dr. Sofus B. Nelson, Washington Agriculture Experiment Station, Pullman, Washington.

(d) Committee on Sanitoria:

Dr. E. J. Barrick, of Toronto, Ontario, Chairman.

(e) Committee on Climatology:

Dr. Karl von Ruck, Asheville, N. C., Chairman.

(f) Committee on Light and Electricity:

Dr. J. Mount Bleyer, of New York City, Chairman.

Dr. Mihran K. Kassabian, of Philadelphia, Pa.

Prof. Neils R. Finsen, Copenhagen, Denmark.

(g) Committee on the Surgery of Tuberculosis:

Dr. A. C. Bernays, of St. Louis, Mo., Chairman.

Dr. W. W. Johnson, of Hartford, Conn.

(h) Committee on Resolution:

Ordered to be named by the Council before the Annual Meeting of 1904.

(i) Committee on Ways and Means:

Ordered to be named by the Council before the annual meeting of 1904.

(k) Committee on Acceptance, Censorship and Revision of Contributions for Publication and on Publication:

Clark Bell, Esq., Editor of the Medico-Legal Journal, of New York City, Chairman.

Dr. A. N. Bell, Editor of the Sanitarian, of Brooklyn.

Dr. T. D. Crothers, Editor of the Journal of Inebriety, of Hartford, Connecticut.

Hon. Moritz Ellinger, Editor of Menorah Monthly, of New York City.

Dr. M. M. Smith, Editor of the Texas Medical News, Austin, Tex.

(1) Committee on the Press:

Ordered to be named by the Council before the annual meeting of 1904.

It was on motion, Resolved, That the Chairman of the several Standing Committees have the power of adding names to their several Standing Committees have the power of adding names to their several Committees on obtaining written consents of acceptance and notification to the Secretary.

It was moved and seconded that the Congress now proceed to the election of officers. Carried unanimously.

Owing to the large number of proxies that were presented and the absence of the members from the distant States, it was agreed by unanimous consent that the rule requiring the Nominating Committee to be named from each State be suspended, the Chair holding that it required the unanimous consent to suspend the rule.

On motion the rule was suspended by unanimous consent.

The Chair named as Nominating Committee:

Dr. M. Markiewicz, of New York City.

Dr. J. Mount Bleyer, of New York City.

Dr. R. W. Shufeldt, of New York City.

J. R. Abarbanell, of New York City.

A. A. Jakobi, of New York City.

The Committee on Nomination recommended the election of the following officers. The officers are published at length in the June number Journal, pp 110, 111, 112, 113 and 115.

On motion the report of the Nominating Committee was received unanimously and on motion it was unanimously adopted.

The Congress then proceeded to the election of officers, and on balloting the officers recommended by the Nominating Committee were balloted for and declared duly elected; Dr. J. Mount Bleyer and Samuel Bell Thomas, Esq., acting as Tellers.

Mr. Bell announced the death of Honorary Vice-President, Chief Justice George P. Andrews, late of the Supreme Court of Connecticut, and paid a tribute to his life and career.

Mr. Bell also announced the death of Sir Oliver Mowat, Honorary Vice-President and Lieutenant Governor of the Province of Ontario.

Also the death of Hon. Urbano Sanchez Hecheverria, Chief Justice Supreme Court, Santiago de Cuba, Cuba, and of Dr. Wyatt Johnson, of Montreal, and paid a tribute to the lives of these, our late members.

Mr. Bell stated to the Congress that he had received a written request from Dr. Henry McHatton, of Macon, Ga., and Dr. M. M. Smith, of Austin, Texas, late members of the Council, both of whom expressed their full sympathy with the action of the Executive Committee, but requested that for private reasons they preferred not to be re-elected members of the Council, and asked as a favor that their request be complied with.

Mr. Clark Bell also declined a re-election as Fifth Vice-President.

Mr. Ellinger then moved, as the sense of the Congress, that the next meeting of the body be held in 1904, in St. Louis, Mo., and that the officers of the Council and the Executive Committee be charged with designating the time and place, and to make all necessary arrangements to make the next session successful.

The Chair announced that the Council would meet immediately after the adjournment of the Congress. On motion the Congress adjourned sine die subject to a call of the Council.

CLARK BELL, Acting President.

SAMUEL BELL THOMAS, Secretary.

AMERICAN CONGRESS ON TUBERCULOSIS.

At a special meeting of the Executive Officers held in the City of New York, No. 39 Broadway, pursuant to call, Clark Bell, Esq., Chairman of Executive Committee in the chair, and Samuel Bell Thomas, Esq., acting as Secretary. The following action was taken:

2. That the following names be stricken from the roll of officers as published in June number Medico-Legal Journal, viz:

Vice-President at Large:

Henry B. Baker, M. D., of Lansing, Mich.

E. P. Lachapelle, M. D., of Montreal, Quebec.

Cressy L. Wilbur, M. D., of Lansing, Mich.

Dr. U. O. B. Wingate, of Milwaukee, Wis.

as being erroneously included through inadvertence, none being members of the body in 1902, and notice given of this action to the parties. That Dr. Frank P. Norbury's declination of the said office be accepted, and that Peter H. Bryce, M. D.'s name be stricken from the office of Vice-President from the Province of Ontario, as his declination was intended by him to extend to this office, and its continuance was an accidental mistake.

3. It was, on motion, resolved and carried unanimously, that the foregoing vacancies be at once filled by the Chairman of the Executive Committee and the President, and all other vacancies occurring in any office of the body by death resignation, declination or otherwise.

4. The Chairman laid before the Board of Executive Officers the correspondence, or copies of the same, between himself on consultation with the President and the Hon. John Hay, Secretary of State, and the Presidents of the Republics in Central and South America, Mexico and the Republics in American water in the West Indies, and on motion the same was duly approved, and that full authority was given the Chairman acting in consultation with the President, to continue said action and correspondence for the purpose of securing the co-operation of said countries, and all countries on the Western Hemisphere, or in American waters, as would best promote the interests of this body.

5. That the Chairman, on consultation with the President, be further authorized and empowered to invite eminent and distinguished men from foreign countries to contribute to the discussion and participate in the work of this body, as was done in the Congress of 1902, and with foreign bodies or organizations, to induce their co-operation, and to that end empower and appoint additional Honorary Presidents and Vice-Presidents at large from States, Provinces and countries in pursuance of the previous policy of this body in 1902, and prior thereto.

6. It was further unanimously Resolved, That the said officers take active measures to fill all vacancies in Vice-Presidencies of States, Provinces and countries according to the settled policy of

this body as carried on in 1902, to the end that at least one lawyer or layman, and at least two physicians, so far as is feasible and practicable, be named in each State, Province and country on both the Continents of North and South America, and in the islands in American waters.

That this action be signed by the several Executive Officials, and that all new officials named as Honorary or Actice Officers, be announced in the Press, except the confidential advisory consultants first above named.

E. J. BARRICK, President.

CLARK BELL, Chairman Ex. Com.

M. ELLINGER, Chairman of Council.

SAMUEL BELL THOMAS, Secretary.

SESSION OF OCTOBER 3rd, 4th AND 5th, 1904, AT THE WORLD'S
FAIR, ST. LOUIS.

Dear Colleague ;—At a meeting of the Council of the American Congress on Tuberculosis, a resolution was adopted, unanimously fixing the annual dues of the Congress of 1903, at the nominal sum of \$1.00, from June 4th, 1902, to June 10th, 1903.

The Treasurer was ordered to send out bills for the annual dues to every unrolled member of the Congress of 1902. If you wish to remain a member of the Congress of 1903, please remit your dues, \$1.00, and your name will be entered on the roll of members of the Congress of 1903. Those who prefer not to be so enrolled, will advise the undersigned or the Secretary.

You are also reminded that by action of the council accepting the offer of the Medico-Legal Journal, it was provided, that,

1. The Medico-Legal Journal, Vol. 21, commencing June number, 1903, will be sent to every member or delegate to the Congress of 1902, or to any new member, at half price, \$1.50, payable in advance.

2. That the Medico-Legal Journal will send, when it is completed, the Bulletin of the Congress of 1902 to every member or delegate not enrolled, not a present subscriber, at half-price, \$1.50, if paid in advance, which will include membership in the Congress of 1903, by action of the Council of the American Congress of 1903.

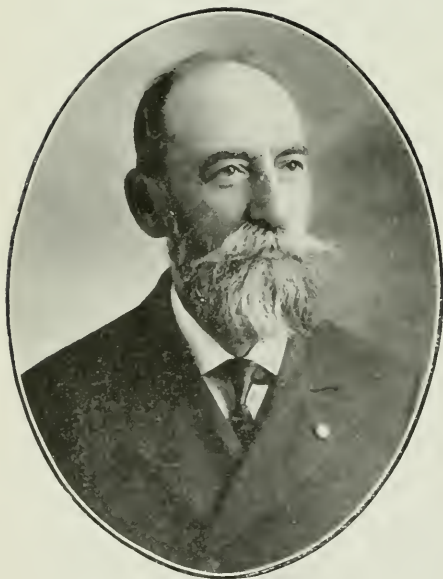
3. Every lawyer, physician or citizen interested in the subject, in the United States, in the Republics of Central and South America, and Governments on the North American continent, and in American waters, Cuba, Haiti, San Domingo, are also invited to unite and co-operate.

Respectfully yours,

CLARK BELL, Treasurer,
And Chairman Board of Executive officers.



DR. FRANK E. DANIEL,
First Vice President,
Texas Medical Journal, Austin, Texas.



HON. L. BRADFORD PRINCE,
Second Vice President,
Ex-Chief Justice, Santa Fe, New Mexico.



DR. A. M. LINN,
Fifth Vice President,
Iowa State Board of Health, Des Moines, Iowa.

OFFICERS OF THE AMERICAN CONGRESS ON TUBERCULOSIS.

NOTES ON TUBERCULOSIS.

The American Congress on Tuberculosis to be held at the
Universal Exposition, at St. Louis, October
3rd, 4th and 5th, 1904.

Pullman, Wash., July 22, 1903.

Clark Bell, Esq., New York, N. Y.

Dear Sir:—I herewith accept the office of Fourth Vice-President of the American Congress on Tuberculosis. I express my appreciation for this courtesy of the Congress.

Yours very truly,

S. B. NELSON.

Forest City, Iowa, July 24, 1903.

Clark Bell, Esq., New York, N. Y.

Dear Sir:—I beg to acknowledge receipt of your favor of the 13th upon my arrival home, and hasten to say that I shall be pleased to comply with your request and act as a member of the Standing Committee of the Congress on "The-Veterinary Aspects of Tuberculosis." What is the date and are there any other members from this State? I will be pleased to have you give me any other information that you think would be of benefit.

I enclose you list of names and addresses which I hope may be of some service to you. Thanking you, I am,

Yours very truly,

P. O. KOTO.

Chicago, July 29, 1903.

Samuel Bell Thomas, Sec'y American Congress on Tuberculosis.

Dear Sir:—Replying to your favor of recent date regarding the American Congress on Tuberculosis, will say that I shall be pleased to aid the cause and help it along as much as possible. I will attend the meeting in St. Louis and read a paper entitled, "Climate of the Southwest."

Very respectfully,

THOS. BASSETT KEYES.

UNIVERSAL EXPOSITION, ST. LOUIS. 1904.

International Congresses, Howard J. Rogers, Director of Congresses.

David R. Francis, President Universal Exposition.

Frederick M. Lehman, Chairman Committee Board of Directors.

Administrative Board:

Nicholas Murray Butler, LL. D., President Columbia University, New York.

William H. Harper, LL. D., President University of Chicago.

R. H. Jesse, LL. D., President University of Missouri.

Henry R. Pritchett, LL. D., President Massachusetts Institution of Technology.

Herbert Putnam, Litt. D., Librarian of Congress.

Frederick J. V. Skiff, Director Field Columbian Museum.

Frederick W. Holls, D. C. L., Member Hague Tribunal.

Congress of Arts and Science.

Simon Newcomb, LL. D., President, Washington, D. C.

Hugo Muensterberg, LL. D., Harvard University; Albion W. Small, LL. D., University of Chicago, Vice-Presidents.

St. Louis, August 11, 1903.

Mr. Samuel Bell Thomas, 290 Broadway, New York City.

Dear Sir:—In furtherance of the matter of the International Congress on Tuberculosis in 1904, I am in receipt of a communication from the Acting Secretary of State, enclosing copy of a letter from Mr. Clark Bell, Chairman of the Executive Committee of the American Congress on Tuberculosis, concerning the next annual meeting of that body at St. Louis in 1904.

I beg to state that we are in hearty accord with the object which the Congress aims to promote, and I shall be very glad to include it in our list of international congresses should this be the desire of those who are prompting the next American Congress. I should presume that it would accord with your plans to give next year's congress international features. Similar arrangements are being made by such bodies as the Electrical Engineers, the Civil Engineers, etc., and the mode of procedure is as follows:

Upon notification from your Executive Committee that you desire the Congress on Tuberculosis included in our official and international series, and that in your opinion there is an interest strong enough to warrant such a Congress being held, and that the American Society will support, promote and maintain such International Congress, we shall be glad to include it in our list and will afford you the same privileges for meetings and accommodations which we give to all other International Congresses.

In order that the procedure may be analogous to the other congresses, we should require that a Committee of Organization of the International Congress be appointed, which Committee we shall be glad to name upon recommendations from your Executive Committee, and which would presumably include the members of your Executive Committee. You would then have an official status from our standpoint and at the same time be representatives of the American Society. The date of the Congress should also be a matter for early consideration, as we have already assigned a great many weeks of our Exposition to congress use.

Very respectfully yours,

HOWARD J. ROGERS.

CALIFORNIA.

Dr. N. K. Foster, Secretary of State Board of Health of California, accepts the position of Vice-President for that State.

The following is his letter of acceptance :

"Sacramento, Cal., Sept. 2, 1903.

Clark Bell, 39 Broadway, New York City, N. Y.

Dear Sir.—Yours of recent date is before me. I will accept the position of Vice-President of California which you have so kindly offered.

Tuberculosis is a question in which we are greatly interested on this coast, and I will endeavor to have the State represented at your next Congress in 1904.

Find enclosed a Postoffice check for \$1.00 for membership, etc.

Yours, very truly

N. K. FOSTER, M. D., Sec'y State Board of Health."

MANITOBA, DOMINION OF CANADA.

The President, Dr. E. J. Barrick, announced the selection or appointment of His Worship Mayor John Arbuthnot, Mayor of Winnipeg, and Hon. J. A. M. Aikens, King's Counsel of Winnipeg, as Vice-Presidents for the Canadian Province of Manitoba, and we submit their letters of acceptance :

"Toronto, Winn., Sept. 16, 1903.

E. J. Barrick, Esq., M. D., President American Congress on Tuberculosis.

Dear Sir:—I beg to acknowledge receipt of your letter of the 29th ult., advising of my appointment to the office of Vice-President for Manitoba, by the Executive Officers of the American Congress on Tuberculosis, and to say that I am pleased to accept the honorary position.

Yours faithfully,

JOHN ARBUTHNOT, Mayor."

"Winnipeg, Man., Sept. 16, 1903.

DR. E. J. Barrick, President of the American Congress on Tuberculosis.

Dear Sir.—I am in receipt of your letter of the 29th August last, advising me of my appointment as Vice-President for the Province of Manitoba of the American Congress on Tuberculosis, and shall have much pleasure in acting as such.

Yours truly,

J. A. M. AIKENS.

MISSOURI.

The State of Missouri leads the column of States that names her delegates to the St. Louis Congress on Tuberculosis for 1904.

Governor Dockery is wide awake and it is both meet and proper that St. Louis should be backed by her Governor and by the State of Missouri.

We have received the following letter and hold back the Journal to publish it :

Office of the Governor }
State of Missouri, }

City of Jefferson,
A. M. Dockery, Governor.

Sept. 9, 1903.

Dr. Clark Bell, Chairman Executive Committee, New York, N. Y.

Dear Sir:—Complying with your request of recent date, I have appointed the following named delegates to represent the State of Missouri at the American Congress of Tuberculosis, which convenes in the City of St. Louis in October, 1904.

Dr. F. J. Lutz, St. Louis.	Dr. B. G. Dysart, Paris.
Dr. Herman Tuholske, St. Louis.	Dr. A. W. McAlester, Columbia.
Dr. N. J. Pettijohn, Brookfield.	Dr. D. T. Powell, Thayer.
Dr. R. H. Goodier, Hannibal.	Dr. J. A. B. Adcock, Warrensburg.
Dr. W. L. Ray, Kansas City.	Dr. M. M. Hamlin, St. Louis.
Dr. G. S. Hardin, Marshall.	Dr. C. B. Fulbright, St. James.
Dr. U. S. Wright, Fayette.	Dr. J. J. Norwine, Poplar Bluff.
Dr. S. A. Proctor, Doniphan.	Dr. C. H. Riggs, Middletown.
Dr. R. E. Wills, Neosho.	Dr. G. P. True, Aurora.
Dr. C. R. Woodson, St. Joseph.	Dr. G. M. Moore, Linn Creek.
Dr. J. F. Robinson, Nevada.	Dr. W. H. James, Springfield.
Dr. J. W. Smith, Fulton.	Dr. Charles Pipkin, Gallatin.
Dr. F. L. Keith, Farmington.	Dr. J. I. Anderson, Warrensburg.
Dr. L. A. Thompson, Marshall.	Dr. E. F. Yancey, Sedalia.
Dr. A. B. Miller, Macon.	Dr. E. H. Miller, Liberty.
Dr. J. D. Griffith, Kansas City.	Dr. Chas Wood Fassett, St. Joseph.
Dr. J. T. Thatcher, Oregon.	Dr. C. B. Elkins, Jefferson City.
Dr. W. F. Morrow, Kansas City.	Dr. C. A. Goben, Kirksville.

Respectfully,

A. M. DOCKERY,
Governor.

The following invitations have been sent to all foreign governments in the Western hemisphere:

New York, August, 1904.

Honored Sir:—The Executive Officers of the American Congress on Tuberculosis esteem it a high honor to extend to the men of Science of the legal and medical professions and laymen interested in the subject in your country, through your Government, a cordial invitation to unite in the Congress this body has decided to hold at the Exposition announced to be held October 2, 3 and 4. in St. Louis, U. S. A., in 1904. We respectfully request that your Government be represented at that Congress by at least three delegates, and more if convenient.

We shall also feel under great obligations if you advise us of the names and addresses of the delegates selected, and of such organizations, officials and public-spirited citizens of your country as you believe would take an interest in the discussions upon a subject of such common interest to the human race as the prevention and arrest, so far as possible, by legislative action of its further spread.

We enclose some circulars we are sending out.

We remain, Sir, with distinguished consideration,

Very faithfully yours,

E. J. BARRICK, M. D.,
President.

CLARK BELL, LL. D.,
Chairman Executive Committee and Treasurer.

MORITZ ELLINGER, ESQ.,
Chairman of Council.

SAMUEL BELL THOMAS,
Secretary State Department.

Washington, August 31, 1903.

Clark Bell, Esq., Chairman of the Executive Committee of the American Congress on Tuberculosis, 39 Broadway, N. Y.

Sir:—In compliance with the request made in your letter of the 17th instant, I enclose herewith a list of Colonial Governors in this Hemisphere. The list is correct, so far as is known to the Department. I am, Sir, Your obedient servant,

T. B. LOOMIS,
Assistant Secretary.

NAMES AND ADDRESSES OF COLONIAL GOVERNORS.

Bermudas—Lieut.-General Sir H. Le G. Geary, K. C. B., Hamilton, Bermuda.

Falkland Islands—William Grey Wilson, C. M. G., Port Stanley.

British Guiana—Sir James Alexander Swettenham, K. C. M. G., Georgetown.

British Honduras—Colonel Sir William David Wilson, K. C. M. G., Belize.

Bahamas—Sir Gilbert T. Carter, K. C. M. G., Nassau.

Barbadoes—Sir Frederick Mitchell Hodgson, K. C. M. G., Bridgetown.

Jamaica—Sir Augustus Hemming, K. C. M. G., Kingston.

Leeward Islands—Sir Gerald Strickland, K. C. M. G., St. Johns, Antigua.

Trinidad—Sir Cornelius Alfred Molony, K. C. M. G., Port of Spain.

Windward Islands—Sir Robert Baxter Llewelyn, K. C. M. G., St. George, Granada.

Dutch Guiana—C. Lely, Surinam.

Curacoa—J. O. de Jong van Beeken Donk, Curacoa.

Danish West Indies—Colonel C. E. de Hademann, St. Thomas.

Guadeloupe—C. A. Rognon, Basse Terre.

French Guiana—Joseph Francois, Cayenne.

Martinique—Lemaire, Fort de France.

The following is a copy of the invitation sent to the Governors of American States who are now Honorary Vice-Presidents of the body, and who made appointments of delegates to the American Congress on Tuberculosis of 1902, in each of which was enclosed also a copy of the three circulars and a letter from the Chairman of the Executive Committee :

New York, 1903.

Honored Sir:—The American Congress on Tuberculosis on June 4, 1902, re-elected you one of its Honorary Vice-Presidents.

At the Annual Meeting of the body, June 11, 1903, held at the City of New York, you were unanimously re-elected Honorary Vice-President of this Council of 1903.

The entire body by unanimous vote directed the Council to make full preparation for the American Congress on Tuberculosis to be held at the World's Fair in St. Louis in 1904, and the officers of the World's Fair, in hearty accord with the work of this Congress, have fixed on October 3, 4 and 5, 1904, as the date of the meeting.

Unusual preparations are being made to invite the Governments on the Continents of North and South America, the Republics in the West Indies, Cuba, the English, French and Dutch Guianas and British Honduras, acting under the direct sympathy of the State Department of the Government of the United States.

Your cordial coöperation in the work of the Congress of 1902, largely contributed to the success of the Congress of 1902. You are asked to accept this Office and to name not less than thirteen delegates, nor more than thirty-five to represent your State at the forthcoming Congress.

You are asked to designate them early to enable them to send suitable papers and contributions to the work of the body. The sympathetic letters of the Governors of American States lent great weight and character to the work of the Congress of 1902, and it is desired that you send us your brief views in support of the effort to educate the public mind to support and adopt public legislation of a preventive character to avert so far as possible the spread of consumption, which has been well called the scourge of the race. If you could make an address at the opening ceremonies, we should be glad to announce it.

Early action in naming the delegates will aid the movement.

Very respectfully yours,

By order of the Council and Governing Officers,

E. J. BARRICK, M. D.,
President.

CLARK BELL,
Chairman Executive Committee.

SAMUEL BELL THOMAS,
Secretary.

To the Honorable

Governor of

The following invitation was sent to all the remaining Governors of the States and Territories of the American Union and Dependencies; to the Lieut. Governor of the Dominion of Canada, and to all foreign countries in the Western Hemisphere, in American waters, and to the States in foreign Governments, in the Republics of Central and South America and of Mexico, with the circulars and other literature, and a letter from the Chairman of the Executive Committee:

Honored Sir:—I have the honor, by the authorization of our Executive Officers, to ask your coöperation and active sympathy, in the work of this body, in promoting the Congress to be held at St. Louis, October 3rd, 4th and 5th, 1904.

I am instructed to ask you to lend the great weight of your name and official position, to aid in the elucidation of the problems surrounding the question, of how to arrest by preventive legislation the spread of consumption; and how far wise and careful legislation can aid in securing the best results.

Many of the Executives in our States have lent their wisest and best directed efforts, as well as their names and influence, to the solution of these questions.

I am directed to ask if you will accept an Honorary Vice-Presidency in this Congress. If you will send us a short letter expressing your sympathy in the work we are undertaking, you will render a public service. Your influence in a campaign which must needs be one of education, is very great, and we ask you to exert it for the public good.

Send me also a good photograph of yourself. I send you herewith some literature of the movement and should be glad to send you the current number of the Medico-Legal Journal, which will, I am sure, interest you. We should be greatly honored if you would make a short address at the opening ceremonies; if unable to do so, would be glad if you would contribute your views for the use of and to be presented to the Congress and published in its transactions. At the Congress of 1902 a large number of delegates were appointed by Governors of States, Lieut.

Governors of Provinces and Colonies, and by the Governments of Countries, to attend the Congress, and we should be glad if you would name delegates early, to enable them to prepare papers to be presented at the Congress, or to take part in the discussion that will be formulated for the session. Some of the Governors appointed thirty delegates, and at least nine should be named.

The management of the St. Louis Exposition of 1904 have placed the Congress in their list of International Congresses and evinced the greatest interest in its success; and with the full knowledge and approval of the Government of the United States.

All the Governments in the countries in the Western Hemisphere have been invited to send at least three delegates each; which embraces the Republics of Central and South America, Mexico, the Dominion of Canada, New Foundland, Cuba, Haiti, San Domingo, and the Colonial Governments of England, France, Denmark and Holland in the West Indies and South America.

We shall send you also shortly the letters of the Government of the United States, expressive of its deep interest in the movement and its instructions to the American Ambassadors and Ministers to further the wishes of our management in sending Delegates and bringing the subject to the attention of men of science in all these countries.

Hoping for an early and favorable reply, I remain, in behalf of the officers of the Congress,

Very Faithfully Yours,

CLARK BELL,

Chairman Executive Committee.

To the Honorable

Governor of

New York, September 21, 1903.

To the Officers, Delegates and Members of the American Congress on Tuberculosis:

It affords the Executive Officer of the American Congress on Tuberculosis great pleasure to announce the reception of the following letter from the Government of the United States, Department of State:

"Department of State, Washington, D. C., Sept. 18, 1903.

Clark Bell, Esq., Chairman Executive Committee American Congress on Tuberculosis, 39 Broadway, New York City,

Sir:—I have to acknowledge the receipt of your letter of the 31st ult., and to inform you that the Instructions to the Diplomatic Officers of the United States, accredited to the Central and South American States, Mexico, Haiti and San Domingo, have been sent in the language of the draft submitted to you on August 29th, but amended in the particular suggested in your letter under acknowledgment.

Instructions in the same tenor with regard to the British, French, Dutch and Danish Colonial Governments have gone to our Ambassadors at London and Paris, and our Ministers at the Hague and Copenhagen respectively.

In the hope that these instructions will result in a full representation by American States and Colonial Governments at the Congress on Tuberculosis at St. Louis next year, I am, Sir,

Your obedient servant,

ALVEY A. ADEE, Acting Secretary."

"Department of State, Washington, D. C., Aug. 29, 1903.

Clark Bell, Esq., Chairman of the Executive Committee of the American Congress on Tuberculosis, 39 Broadway, New York,

Sir:—Referring to the correspondence which the Department has recently had with you concerning the desire of the Committee on Organization of the proposed American Congress on Tuberculosis, to be held at St. Louis in October, 1904, to have this Government give its support to the invitation which the Committee has addressed to each American Government to be represented at the Congress, I enclose herewith a

draft of an instruction to each diplomatic representative of the United States in the Western hemisphere. The Department will be pleased to consider any changes in, or additions to the draft you may suggest. I am, Sir,

Your obedient servant,

F. B. LOOMIS, Assistant Secretary."

The Chairman of the Executive Committee felt that it was impossible to improve upon the admirably prepared proposed instructions, but suggested as an amendment the omission of a single clause in a portion of one sentence, which the State Department concurred in, and the text of the Instructions and the accompanying papers as sent is as follows, after the amendment suggested :

"Sir :—The Department is informed by Mr. Mr. Howard J. Rogers, Director of International Congresses of the Universal Exposition to be held in St. Louis in 1904, that the American Congress on Tuberculosis has been placed on its list of official congresses and that the dates for said congresses will be October 3, 4 and 5, 1904.

The Department is also advised by Mr. Clark Bell, Chairman of the Committee of Organization of the Congress that the Executive Committee and Officers of the Congress have sent to the Government of each American country an invitation for official representation by its Government, in the Congress; and the request is made of the Department to give such support to the invitation as it properly may.

The humanitarian object which this Congress has in view to reach, by the discussion of scientific men, some result in arresting the spread, and averting so far as it may be found possible, the ravages of this dreadful disease which now falls with such terrible force and fatality upon the people of the Western hemisphere, cannot but enlist the sympathy and approval of the Government to which you are accredited.

The Department will, therefore, be pleased to have you say to that Government that this Government is in entire sympathy with its work and would be pleased to learn that the Government of..... took a like interest in its success by the acceptance of the Committee's invitation, and the appointment of three or more scientific gentlemen to represent it at the Congress.

This Government would also be pleased if that of..... could find it convenient to comply with the request of the Committee to give the matter publicity in order that it may come to the knowledge of interested organizations and public-spirited citizens of that country. I am, Sir,

Your obedient servant,

....."

This splendid expression of the sympathy of the Government of the United States insures a cordial reception of our work in the nations of the Western hemisphere.

The Governor of Missouri has made the appointment of thirty-six delegates to represent that great State at whose chief city it will be the host of the delegates from all parts of the entire Western hemisphere. The State Board of Health of that State has already named its delegates to that Congress.

The State Medical Society of Georgia has already selected and named its delegates to attend that Congress, and while this State has no Board of Health steps have been taken to secure a suitable and representative delegation from a State that has been among the foremost in its support of the efforts of this body.

The remaining Governors of the American States will be also invited and the invitation has been delayed until the Government of the United

States had taken this splendid and sympathetic action, which evinces and illustrates the paternal policy of our Government in aiding every effort for the protection of the health and the lives of our people when menaced from any form of disease that Science has found to be communicable and preventable.

We assure you that every indication now points to a great meeting at the sessions of the American Congress on Tuberculosis at the World's Fair at St. Louis in October, 1904, and we invite the coöperation of every philanthropic mind and the accession of men of the medical profession, as well as those of the law, judges, jurists and students of every branch of scientific inquiry who can in any way aid in securing preventive legislation in aid of our work.

E. J. BARRICK, M. D.,
President.

CLARK BELL,
Chairman Executive Committee and Board of Officers.

MORITZ ELLINGER,
Chairman of Council.

SAMUEL BELL THOMAS,
Secretary.

Mr. Clark Bell, Dundee, N. Y.

Dear Sir:—Your telegram of the 21st received this morning, and in accordance therewith I have reserved for the International Congress on Tuberculosis October 3, 4 and 5, 1904, for the date of their meeting. I have also notified the Department of State to that effect.

Yours respectfully,

HOWARD J. ROGERS.

The following formal invitations have been sent to the following Foreign Governments:

The Presidents of all the Republics of Central and South America, Mexico and Cuba, Haiti and San Domingo. To the Dominion of Canada to New Foundland, and to the Colonial Governors of all foreign colonies, in South America and to all the Danish, Dutch, English and French Colonial Governors in American waters on the Western Hemisphere; intending to ask all Governments of all Foreign Governments of North and South America and in the Eastern and Western Hemispheres to unite in and coöperate in the labors of the body.

New York, August, 1903.

Honored Sir:—The Executive Officers of the American Congress on Tuberculosis esteem it a high honor to extend to the men of Science of the legal and medical professions and laymen interested in the subject in your Country through your Government, a cordial invitation to unite in the Congress this body has decided to hold at the Exposition announced to be held at St. Louis, U. S. A., in 1904. We respectfully request that your Government be represented at that Congress by at least three delegates, and more if convenient.

We shall also feel under great obligations if you advise us of the names and addresses of the delegates selected, and of such organizations, officials and public spirited citizens of your country as you believe would take an interest in the discussions upon a subject of such common interest to the human race as the prevention and arrest so far as possible, by legislative action, of its further spread.

We enclose some circulars we are sending out.

We remain, Sir, with distinguished consideration,

Very faithfully yours,

E. J. BARRICK, M. D.,
President.

CLARK BELL, LL. D.,
Chairman Executive Committee and Treasurer.

MORITZ ELLINGER, ESQ.,
Chairman of Council.

SAMUEL BELL THOMAS,
Secretary.

To the Honorable

President of the Republic of

New York, August, 1903.

Honored Sir :—I have the honor to transmit to you the enclosed invitation and accompanying documents and papers.

I also mail you the "Medico-Legal Journal" of June, 1902, Vol. XX., No. 1., and call your attention to pp. 53 and 86, 87 *et seq.* You will find copies of the letters from the American Government, Department of State, to the Officers of the Congress, stating, "That the Ambassador and the Ministers to the Central and South American States have been instructed to express to those Governments the pleasure with which that of the United States would learn that they found it convenient to be represented in that Congress, and that the British Ambassador had been asked to make known to the Governments of Canada and Newfoundland, the value which the American Congress on Tuberculosis sets upon representations by those Governments at the coming session of the Congress, etc.

I shall take pleasure from time to time to forward to your Excellency any additional papers sent out by the Congress to your representatives at the seat of the Government of the United States, regarding the proposed Congress, its date, programme, etc., and to yourself and such officials or persons as you may name to me, with the view of obtaining contributions of papers, to be read before the Congress.

I shall also be glad to receive from your Excellency a good photograph so that it may be reproduced for the "Bulletin" and other publications of the American Congress on Tuberculosis, and in the Medico-Legal Journal," which is its official organ.

I remain with high personal regards,

Very faithfully yours,

CLARK BELL,
Chairman Executive Committee.

To the Honorable

Governor of the

Authority has been conferred on the Executive officers to invite eminent savants and scientists from Foreign countries to contribute to and attend the Congress—and this will be done—and a very few have thus far been invited quite recently.

That eminent man, and one of the honorary members of the Medico-Legal Society, Prof. Dr. Maurice Benedikt, has accepted and will attend the Congress. His paper will be "The Toxine of Tuberculosis." The names of those who accept or the titles of papers they contribute, will be announced later.

The roll of members of the Congress of 1903 has been opened at \$1.00 per annum dues, and members are subscribing and placing their names on the roll.

At the annual meeting of the American Congress on Tuberculosis held June 11, 1903, in the city of New York, more than a majority of all the enrolled members of the Congress of 1903, were present or represented by written proxies, so that the action taken, and the officers elected, were chosen by an actual majority of all the qualified members of all Congress.

The Honorary Vice-Presidents were re-elected except where death had occurred, and the Vice-Presidents of States and Vice-Presidents at large, were in some instances re-elected, without any opportunity given them of accepting or declining these positions.

This was unavoidable, but all have since the election had notice and have been requested to decline if they wished to do so, so that their places could be filled by active workers of the Congress, and who were in sympathy with its action and labors. Only a few have thus far declined the positions to which they were elected.

The vacancies thus created, have been filled, as follows :

First Vice-President of the body, Dr. F. E. Daniel, Editor Texas "Medical Journal," vice Dr. Peter H. Bryce, declined.

Vice-Presidents-at-Large, Dr. W. F. Morrow, of Kansas City, Mo., Secretary State Board of Health of Mo., vice Dr. E. P. Lachapelle, of Montreal, who declined re-election.

Dr. John H. Simon, Health Commissioner of St. Louis, vice Dr. Frank P. Norbury, of Jacksonville, Ill., who declined re-election.

THE DOMINION OF CANADA.

The following Vice-Presidents of the American Congress on Tuberculosis have been appointed since the annual meeting :

Hon. Vice-President—Dr. T. G. Roddick, M. P., Montreal, Quebec.

Vice-Presidents-at-Large—Dr. W. P. Caven, Toronto, Ontario; Dr. Daniel Clark, Toronto, Ont., (vice Henry B. Baker, not qualified); Dr. R. M. Powell, Ottawa, Ont., (vice William F. Meir, not qualified); Dr. W. H. Moorehouse, London, Ont.

Vice-Presidents of Provinces—D. A. A. MacDonald, Toronto, Ont.; Dr. J. A. Robertson, Stratford, Ont.; Mayor Adam Beck, London, Ont.; Mayor James Cochran, Montreal, Quebec; Mayor W. W. White, St. Johns, N. B.; Charles J. Coster, St. Johns, N. B.; Mayor John Arbuthnot, Winnipeg, Manitoba; Dr. H. B. Chown, Winnipeg, Man.; Dr. J. A. M. Aikens, Esq., K. C., Winnipeg, Man.; Dr. J. D. Laferty, Calgary, North West Territories; Dr. G. A. Kennedy, McLeod, N. W. T.; Rev. Dr. J. C. Herdman, Calgary, N. W. T.; Dr. C. J. Fagan, Victoria, British Columbia; Rev. Laslie Clay, Victoria, B. C.; Dr. S. T. Turnstall, Van Couver, B. C.

New York, Sept. 1903.

To Officers and Members of State Medical Associations or Other Medical Bodies or Associations interested in the Prevention of Tuberculosis.

Gentlemen :—The Governing Council of the American Congress on Tuberculosis have authorized and directed the undersigned to invite each member of your body to co-operate with this body in a Congress to be held at St. Louis, October 3, 4, and 5, 1904, and if you will contribute a paper to be read before the body or any of its Sections, to send the title of the same to the undersigned.

We have also been instructed to ask your organization to appoint at least three delegates to represent your association at such congress, and advise us of the names and addresses of such delegates. This invitation is extended to every State, Territory and dependency of the American Union; to the citizens of every Government in Central and South America, Cuba, Haiti, San Domingo, Mexico, the Dominion of Canada; New Foundland and the English, French, Danish and Dutch Colonial Government in the West Indies and South America. An early reply will be appreciated.

Respectfully yours,

E. J. BARRICK, M. D., President,
Toronto, Ontario.

Samuel Bell Thomas, Secretary,
116 Nassau Street, New York City.

New York, September, 1903.

To Officers and Members of the Boards of Health, State, Provincial and Municipal.

Gentlemen :—The Governing Council of the American Congress on Tuberculosis by resolution has directed the undersigned to invite each member of your Board to co operate with this body in a congress to be held at St. Louis, on October 3, 4 and 5, 1904, and if you will contribute a paper, to be read before the body or any of its Sections, to send the title of the same to the undersigned.

We also have been instructed to ask all Boards of Health in States and cities of the American Union, and in foreign countries, who take an

interest in the subject and work of the Congress, to appoint at least three delegates to represent the Board of Health at such congress, and advise us of the names and addresses of such delegates. An early reply will be appreciated.

Respectfully yours,

E. J. BARRICK, M. D., President,
Toronto Ontario.

Samuel Bell Thomas, Secretary.
116 Nassau St., New York City.

New York, August 15th, 1903.

Howard J. Rogers, Director of Congresses, St. Louis Exposition of 1904.

Dear Sir:—Your letter of 11th August sent to Samuel Bell Thomas, our Secretary has been sent to me to answer.

I should feel obliged if you would send to me a copy of the communication to which you refer sent you by the Acting Secretary of State concerning our meeting in St. Louis in 1904.

I suppose you have received from that Officer copies of the letter sent by myself to the Hon. John Hay, Secretary of State and of the official letters of Invitation sent to the Governments of Central and South America, Mexico, the Dominion of Canada; Newfoundland and of Cuba, Hayti and San Domingo. If not I shall take pleasure in sending you a copy.

I have also the honor to send you copy of a letter received by me from Allen F. Cockrill on 7th of August, the Washington Representative of the Louisiana Exposition of 1904 who has taken a kindly interest in aid of our Congress.

I have also received a communication from the Acting Secretary of State, expressing a wish that we include Cuba, Haiti, and San Domingo, fearing that they had been omitted in our plan which was an error, and I have replied asking that they be included, and also suggesting that it embrace every Government in the Western Hemisphere, suggesting also the Dutch and British Colonies of New Guinea and the American Dependencies of Porto Rico, Hawaii and the Philippines.

We are delighted at the kind interest you are pleased to take in aid and furtherance of the proposed Congress in St. Louis in 1904 and that you will include it in your list of International Congresses which we greatly desire you should do.

There can be little doubt of the interest felt in the movement and its strength.

I send you herewith the full and complete list of its officers, and when the Standing Committees are organized these will be furnished you. The Chairmen have been already selected, and time is taken solely to strengthen the personnel of these Committees by careful and judicious selection of names.

You should understand that this body was organized in 1900 and has held four annual meetings. I was secretary and treasurer of the body at its organization and for the first three Annual Sessions. and it was at my request that the Government of the United States lent its support and influence to the Congress of 1902 which was represented by several of the Governments by delegates, and which has been international so far as the Continents of North and South America was concerned from the outset, and the Islands in American Waters.

I had already applied to you to fix the dates of our meeting in September, 1904, and fear that my letter did not reach you and so sent you a duplicate copy of my letter in this regard yesterday.

As to the Executive Committee of this organization it is composed as follows:

Clark Bell, LL., D., Chairman, 39 Broadway, New York, President Medico-Legal Society of New York.

A. L. Bell, M. D., Editor "Sanitarian," Honorary President of the Congress, Brooklyn, N. Y.

E. J. Barrick, M. D., President of the American Congress on Tuberculosis, Toronto, Ontario.

Hon. Moritz Ellinger, Corresponding Secretary of the Medico-Legal Society and Chairman of the Governing Council.

Ex-Judge Abram H. Dailey, Honorary President of the Council, Brooklyn, N. Y.

J. Mount Bleyer, M. D., of New York City.

Samuel Bell Thomas, Esq., of 116 Nassau Street, N. Y. City.

I am of the opinion that a Committee of Organization, such as you suggest, should be larger than our Executive Committee in numbers for reasons which you will, I hope, concede. Our Executive Committee is a working body and it would be wise to add some names and if agreeable to you, to submit some additional names of our leading representative men and some that would I think act if named by you. Of the former I suggest:

Dr. A. P. Grinnell, Burlington, Vermont.

Dr. Charles K. Cole, Helena, Montana.

Hon. A. G. Blair, Ex-Minister of Railways and Canals, Ottawa, Canada.

Dr. J. H. Dunavant, State Board of Health, Vice-President of Congress, Little Rock, Arkansas.

Prof. Dr. C. H. Hughes, Honorary President of Congress, St. Louis, Mo.

Dr. J. N. Hurty, Vice-President of Congress, State Board of Health of Indiana, Indianapolis.

Dr. Wm. F. Morrow, Secretary State Board of Health, Kansas City, Mo.

Dr. T. G. Roddick, M. P., Vice-President of Congress, Montreal, Can.

William F. Brunner, M. D., Vice-President of Congress, Savannah, Ga.

Col. E. Chancellor, M. D., Vice President of Congress, St. Louis, Mo.

T. L. Barber, M. D., Charleston, West Va.

Dr. W. F. Dreyry, Petersburg, Va.

Hon. Sen. W. C. Edwards, Honorable Vice President of the Congress, Ottawa, Can.

Dr. F. E. Daniel, First Vice President of Congress, Austin, Texas.

Dr. John N. Hall, State Board of Health, Denver, Col.

Hon. J. M. Emmert, M. D., State Senator and Vice President of Congress, Atlantic, Iowa.

Dr. John H. Simon, Health Commissioner, St. Louis, Mo.

Dr. G. R. Tabor, State Health Officer, Austin, Texas.

Dr. W. B. Outton, Chief Surgeon, M. P. System, St. Louis, Mo.

His Worship, Mayor Beck, of London, Ontario.

Dr. William Bayard, Vice President of the Congress, St. John, New Brunswick.

Dr. Charles Hicks, Vice President of the Congress, Dublin, Georgia.

Dr. R. F. Graham, Vice President of Congress, Greeley, Colorado.

Prof. J. J. Kinyoun, Glenoiden, Pa.

Dr. Norman Bridge, Los Angeles, Cal.

Dr. Karl Von Kuck, Asheville, N. C.

Dr. W. S. Magill, Carnegie Laboratory, New York City.

Hon. Senator Drummond, President Montreal League for Prevention of Tuberculosis, Montreal, Canada.

Prof. Dr. Thomas Bassett Keyes, Vice President of Congress, Chicago, Illinois.

Dr. B. Harvey Reed, Vice President of Congress, Rock Springs, Wyo.

T. Henry Davis, Ex-President State Board of Health, Richmond, Ind.

Dr. Louis De Roy, Vice President of Congress, Nashville, Tenn.

Dr. John S. Robinson, Chicago, Ill.

D. E. Salmon, Esq., Chief of Bureau of Animal Industry, Washington, D. C.

Prof. H. W. Wiley, Chemist, Department of Agriculture, Washington, D. C.

and perhaps others, and of the others we should be very glad if President David R. Francis, yourself, Prof. R. H. Jesse, of the University of Missouri, Dr. M. M. Hamlin, of the State Board of Health of St. Louis, the Governor of the State, who is an Honorary Vice President, Judge Jacob M. Thayer, of the U. S. Circuit Court of St. Louis, Judge E. B. Adams, of the U. S. District Court of St. Louis, District Attorney David

P. D'Ar, of St. Louis; Hon. William Warner, of Kansas City or any others you might name would go on. If you preferred a smaller list I would cut this one down to suit you. Let me hear from you as early as you can.

I remain, Sir,

Very faithfully yours,

CLARK BELL,

Chairman Executive Committee.

St. Louis, U. S. A., August 22, 1903.

Mr. Clark Bell, Esq., Dundee, N. Y.

Dear Sir:—Your telegram of the 21st received this morning, and in accordance therewith I have reserved for the International Congress on Tuberculosis, October 3d, 4th and 5th, 1904, for the date of their meeting. I have also notified the Department of State to that effect.

Yours respectfully,

HOWARD J. ROGERS.

August 21, 1903.

Sir:—Howard J. Rogers, Esq., Director of Congresses, telegraphs me to-day, fixing October 3rd, 4th and 5th as the dates of the American Congress on Tuberculosis, for 1904, at St. Louis Exposition, and asks me to notify you.

I have accepted these dates and ask you to take notice of same, and give me your official action, so that I can send it out to the Foreign Governments and the Press.

With great respect,

Very faithfully yours,

CLARK BELL,

Chairman Executive Committee.

To Hon. John Hay, Secretary of State,
Washington, D. C.

COPY OF THE REPLY OF B. F. STEVENS, SECRETARY UNIVERSAL EXPOSITION, ST. LOUIS, 1904.

Administration Building, St. Louis, Aug. 7, 1903.

Dear Sir:—President Francis desires me to acknowledge your letter of the third instant in regard to the American Congress on Tuberculosis.

He is in receipt of a letter from the Secretary of State of the United States, enclosing copies of letters addressed to the President of the United States, and to the Secretary of State, and other information which impresses men with the importance of this gathering.

He directs me to say that, the Exposition Management will exert itself to make this Congress one of great interest and of great benefit to humanity.

President Francis has invited attention to the Director of International Congress especially to your letter.

Respectfully,

W. B. STEVENS, Secretary.

Dr. C. H. Hughes,
2857 Olive St., St. Louis, Mo.

DEPARTMENT OF STATE, WASHINGTON.

August 14, 1903.

Clark Bell, Esq., Chairman of the Executive Committee of the American Congress on Tuberculosis, 39 Broadway, New York City.

Sir:—Referring to your letters of July 29th and August 11th, relative to the invitations you wish the Department to send out in regard to the Congress of 1904, it is noted that you do not fix the date in that year at which the Congress is to be held.

The Department also presumes from your letters that you wish the Colonial Governments in the West Indies and the Guianas invited.

These would include the British, French and Danish colonies, and British, French and Dutch Guiana, also British Honduras.

I am, Sir, Your obedient servant,

FRANCIS B. LOOMIS, Acting Secretary.

St. Louis, August 3, 1903.

Hon. Clark Bell, New York, N. Y.

Dear Sir:—The enclosed is a copy of a letter I have sent to the Hon. D. R. Francis, President Louisiana Purchase Exposition Co. Please send it after reading to Dr. Barrick and ask him to return to me stating what he thinks of it. I will have copies made and sent to persons where it will do most good if you think best.

Very truly yours,

C. H. HUGHES.

St. Louis, August 3, 1903.

Hon. D. R. Francis, President Louisiana Purchase Exposition Co.,
City.

Dear Sir:—It is contemplated to hold in St. Louis one of the most important associations of this or any other age, an association in which members of the medical profession and eminent representatives of the people have joined to bring about a convocation of the whole people for a united effort to stamp out the great white plague of humanity, which has brought death and destruction of family to so many of the world's best people, and sorrow to so many now living who are mourning or dreading its fatal visitation to their households.

I am in no sense a promoter of the movement, it having been set on foot by others, but the movement meets my hearty approbation as a physician and humanitarian. I hope the movement may meet with full encouragement at your hands and from your friends and colleagues, and that the contemplated meeting in St. Louis during the World's Fair, may prove fruitful through your encouragement, of great results for the salvation of a disease-imperilled human race. Such a convention for so noble a purpose ought not to leave St. Louis disappointed in its expectation of co-operation and sympathy from her people.

You are cordially invited to co-operate with this organization in any manner you may feel disposed to act. Please communicate to President E. J. Barrick, Toronto, Ontario, or to Secretary Samuel Bell Thomas, 290 Broadway, New York City, any interest you may have or any form of assistance you may feel inspired to take in this noble and praiseworthy movement.

Very truly yours,

C. H. HUGHES.

Toronto, August 10, 1903.

Dr. C. B. Hughes, 3857 Olive Street, St. Louis.

My Dear Doctor:—Mr. Clark Bell has forwarded to me a copy of your letter to Hon. D. R. Francis, President Louisiana Purchase Exposition Company.

The letter is all right and there breaks through it the spirit of enthusiasm that is needed to arouse the public from their apathy in this great humanitarian work. I trust and hope that this spirit of enthusiasm will prove to be very contagious, one that will make the Congress of 1904 one of the greatest that has yet been, and to arouse the whole people to a sense of their responsibility in this great movement. I cannot tell you how it encourages me to read such letters of eminent men like yourself.

Yours truly,

E. J. BARRICK.

St. Louis, Mo., August 18, 1903.

Hon. Clark Bell, Chairman Executive Committee,

American Congress on Tuberculosis, New York City.

Dear Sir:—I wish to accept, with profound thanks, the honor of being appointed one of the Vice-Presidents for the Tuberculosis Congress of 1904, to be held at St. Louis.

Owing to the innumerable duties connected with the Health Department, I am not quite sure whether I shall be able to contribute a paper, but if I can find time to prepare one I shall be pleased to present a paper to the Congress.

Yours very respectfully,

J. H. SIMON, M. D.

St. Louis, Mo., August 21, 1903.

Clark Bell, Dundee, N. Y.

Would prefer October 3, 4 and 5 for Congress. If these dates are satisfactory notify the Government and write me.

HOWARD J. ROGERS.

Dundee, N. Y., August 21, 1903.

Howard J. Rogers, Esq., Director of Congresses,

St. Louis Exposition of 1904, St. Louis Mo.

Dear Sir:—Your telegram received. I accept October 3, 4 and 5, 1904, as dates for our Congress. I so telegraph you. Please send me formal official letter fixing the dates so I can publish and announce it, and so I can take official action on it in my boards.

Faithfully yours,

CLARK BELL.

Chairman Ex. Com. American Congress on Tuberculosis.

Petersburg, Va., August 25, 1903.

Hon. Samuel B. Thomas,

Secretary American Congress on Tuberculosis.

Dear Sir:—I hereby acknowledge the honor conferred upon me by being elected a member of the Council of the American Congress on Tuberculosis. To those who did me this honor I extend my grateful appreciation. The question in my mind is, can I fill the position with any degree of credit to the Congress or to myself? I fear that I cannot. A more able and better qualified person should be selected for this important position. I would respectfully suggest to those in authority to look about and get a more suitable man than I am for the place. However, I am in sympathy with the objects of the Congress and will cheerfully do whatever I can to promote its success. With much respect, I am,

Very truly,

WILLIAM FRANCIS DREWRY.

St. Louis, August 13, 1903.

Mr. Clark Bell, 39 Broadway, New York City.

Dear Sir:—Your letter of August 8th at hand. In the matter of the Congress on Tuberculosis I wrote the Secretary, Mr. Samuel Bell Thomas, 290 Broadway, yesterday, and I enclose copy of my letter to him. It seems to me that the Congress should be at once put upon an international plane and placed under the auspices of an official Committee of Organization, as noted in my letter to him. This is particularly true inasmuch as the Department of State has already taken up the matter and notified us in reference to its action.

In reference to dates, you are right in your understanding that we could not place any more Congresses between September 19 and October 3. We can give you the 13th to 15th of September. The International Electrical Congress is on at this time, but I see no reason why we shall not be able to accommodate you both.

This fact ought, perhaps, to be known to your Committee, viz: The World's Congress of Medicine takes place September 26 to October 1, inclusive. At this Congress will be some of the most famous physicians of the world, and it might be a convenience to your members to have the Congress on Tuberculosis immediately follow this Medical Congress, and it might also be an advantage to both Congresses to act in proximity so that members of one could attend the other if they so desired. I simply make this suggestion for your consideration in case you desire to act on it. Otherwise I will hold the 13th to 15th of September as requested.

I do not think either Dr. Jesse, Mr. Lehmann or myself would act upon your Committee inasmuch as we are all concerned in the general management of the entire series of Congresses. I shall, however, be very glad to aid you in any way possible, either in the selection of local Committees, or in other ways.

I renew my advice in reference to the organization of the Congress under the Exposition series, and it seems to me that this should be done without delay.

Very respectfully yours,

HOWARD J. ROGERS.

New York, August 15, 1903.

Howard J. Rogers, Director of Congresses,
St. Louis Exposition of 1904.

Dear Sir:—Your letter of 11th August sent to Samuel Bell Thomas, our Secretary, has been sent to me to answer.

I should feel obliged if you would send to me a copy of the communication to which you refer sent you by the Acting Secretary of State concerning our meeting in St. Louis in 1904.

I suppose you have received from that officer copies of the letter sent by myself to the Hon. John Hay, Secretary of State, and of the official letters of invitation sent to the Governments of Central and South America, Mexico, the Dominion of Canada, New Foundland and of Cuba, Haiti and San Domingo. If not I shall take pleasure in sending you a copy.

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E. J. Barrick, M. D., President of the American Congress on Tuberculosis, Toronto, Ontario.

Hon. Moritz Ellinger, Corresponding Secretary of the Medico-Legal Society, and Chairman of the Governing Council.

Ex-Judge Abram H. Dailey, Honorary President of the Congress, Brooklyn, New York.

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Samuel Bell Thomas, Esq., of 116 Nassau Street, New York City.

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Dr. A. P. Grinnell, Burlington, Vermont.

Dr. Charles K. Cole, Helena, Montana.

Hon. A. G. Blair, ex-Minister of Railways and Canals, Ottawa, Can.

Dr. J. H. Dunavant, State Board of Health, Vice-President of Congress, Little Rock, Arkansas.

Prof. D. C. H. Hughes, Honorary President of Congress, St. Louis, Mo.

Dr. J. N. Hurty, Vice-President of Congress, State Board of Health of Indiana, Indianapolis, Ind.

Dr. Wm. F. Morrow, Sec'y State Board of Health, Kansas City, Mo.

Dr. T. G. Roddick, M. P., Vice-Pres. of Congress, Montreal, Can.

Dr. William F. Brunner, Vice-President of Congress, Savannah, Ga.

Col. E. Chancellor, M. D., Vice-Pres. of Congress, St. Louis, Mo.

T. L. Barber, M. D., Charleston, West Virginia.

W. F. Drewry, M. D., Petersburg, Va.

Hon. Sen. W. C. Edwards, Hon. Vice President of the Congress, Ottawa, Canada.

F. E. Daniel, M. D., First Vice-President of Congress, Austin, Tex.

John N. Hall, M. D., State Board of Health, Denver, Colorado.

Hon. J. M. Emmert, M. D., State Senator and Vice-President of Congress, Atlantic, Iowa.

Dr. John H. Simon, Health Commissioner, St. Louis, Mo.

Dr. G. R. Tabor, State Health Officer, Austin, Texas.

Dr. W. B. Outten, Chief Surgeon M. P. System, St. Louis, Mo.

His Worship Mayor Beck, of London, Ontario.

Dr. William Bayard, Vice-President of Congress, St. John, N. B.

Dr. Charles Hicks, Vice-President of Congress, Dublin, Ga.

Dr. R. F. Graham, Vice-President of Congress, Greeley, Colorado.

Prof. J. J. Kiayoun, Glenolden, Pennsylvania.

Dr. Norman Bridge, Los Angeles, California.

Dr. Karl Von Ruck, Asheville, N. C.

Dr. W. S. Magill, Carnegie Laboratory, New York City.

Hon. Senator Drummond, President Montreal League for Prevention of Tuberculosis, Montreal, Canada.

Prof. Dr. Thomas Bassett Keyes, Vice-President of Congress, Chicago, Illinois.

Dr. R. Harvey Reed, Vice-Pres. of Congress, Rock Springs, Wy.

T. Henry Davis, ex-Pres. State Board of Health, Richmond, Ind.

Dr. Louis LeRoy, Vice-President of Congress, Nashville, Tenn.

Dr. John S. Robinson, Chicago, Illinois.

D. E. Salmon, Esq., Chief of Bureau of Animal Industry, Washington, D. C.

Prof. H. W. Wiley, Chemist, Department of Agriculture, Washington, D. C., and perhaps others, and of the others we should be very glad if President David R. Francis, yourself, Prof. R. H. Jesse, of the University of Missouri, Dr. M. M. Hamlin, of the State Board of Health, of St. Louis, the Governor of the State, who is an Honorary Vice-President; Judge Jacob M. Thayer, of the U. S. Circuit Court of St. Louis; Judge E. B. Adams, of the U. S. District Court of St. Louis; District Attorney David P. Dyer, of St. Louis; Hon. William Warner, of Kansas City, or any others you might name would go on. If you preferred a smaller list I could cut this one down to suit you. Let me hear from you as early as you can. I remain, Sir,

Very faithfully yours,

CLARK BELL,

Chairman Executive Committee.

St. Louis, August 13, 1903.

Mr. Clark Bell, 39 Broadway, New York City.

Dear Sir:—Your letter of August 8th at hand. In the matter of the Congress on Tuberculosis I wrote the Secretary, Mr. Samuel Bell Thomas, 290 Broadway, yesterday, and I enclose copy of my letter to him. It seems to me that the Congress should be at once put upon an international plane and placed under the auspices of an official committee of organization, as noted in my letter to him. This is particularly true inasmuch as the Department of State has already taken up the matter and notified us in reference to its action.

In reference to dates, you are right in your understanding that we could not place any more congresses between September 19th and October 3rd. We can give you the 13th to 15th of September. The

International Electrical Congress is on at this time, but I see no reason why we shall not be able to accommodate you both.

This fact ought perhaps to be known to your Committee, viz.: The World's Congress of Medicine takes place September 26 to Oct. 1, both inclusive. At this congress will be some of the most famous physicians of the world, and it might be a convenience to your members to have the Congress on Tuberculosis immediately follow this Medical Congress, and it might also be an advantage to both congresses to act in proximity so that members of one could attend the other if they so desired. I simply make this suggestion for your consideration in case you desire to act on it. Otherwise I will hold the 12th to 15th of September as requested.

I do not think either Dr. Jesse, Mr. Lehmann or myself would act upon your Committee inasmuch as we are all concerned in the general management of the entire series of congresses. I shall, however, be very glad to aid you any way possible, either in the selection of local committees, or in other ways.

I renew my advice in reference to the organization of the Congress under the Exposition series, and it seems to me that this should be done without delay.

Very respectfully yours,

HOWARD J. ROGERS.

[*To be continued*]

EDITORIAL.

THE AMERICAN CONGRESS ON TUBERCULOSIS TO BE HELD AT THE ST. LOUIS EXPO- SITION OF 1904.

Arrangements are now substantially completed to hold the Fifth Annual meeting of this body at St. Louis on October 3, 4 and 5, 1904, and to hold a session of three days.

It is very probable that a banquet will be given during the Congress, and probably on the evening of the second day.

Every government on the Continents of North and South America has been invited, including the colonial governments in the Guineas, the West Indies and British Honduras, to send delegates to this Congress, and the Republics of Cuba, Haiti and San Domingo also, as they are in American waters, and the dependencies of our Government. Porto Rico, Hawaii and the Philippines, are also invited to take part in the labors of the Congress.

The Congress was organized under the auspices of the Medico-Legal Society of New York, and the sessions of 1900, 1901 and 1902 were held in the city of New York in joint session with the Medico-Legal Society.

Some misapprehensions have arisen in the public mind, and occasionally, although rarely, in the medical press and among physicians, respecting the scope of the Congress and the true field of its labors.

It was not organized as a medical body, and it is not and has never been regarded or conducted as a strictly medical organization. It was organized by the Medico-Legal Society because, while all the great powers were forming and



SURG. GEN. R. HARVEY REED, M. D.,
Vice President for Wyoming,
Rock Spring, Wy.



DR. JOHN C. SHRADER,
Iowa State Board of Health,
Vice President for Iowa.



DR. DANIEL CLARK,
Supt. Provincial Hospital for Insane,
Vice President for Ontario.



DR. C. W. OVIATT,
Vice President for Wisconsin,
Oshkosh.

VICE PRESIDENTS OF STATES AND PROVINCES,
AMERICAN CONGRESS ON TUBERCULOSIS.



holding congresses on the subject, the medical profession of the United States made no movement, took no steps looking in that direction, and unwilling that a subject in which the people of the whole country took such a profound interest should be ignored, the Medico-Legal Society organized the movement in 1900, which resulted in successfully initiating the effort on the highest question in forensic medicine that had ever been presented to the legal and medical professions up to that hour, of how far the ravages of Tuberculosis could be averted by legislative action.

If consumption was a communicable disease, what legislation could be inaugurated, of a preventive nature, was the highest question in forensic medicine, and it became the paramount duty of lawyers, jurists, medical men and the general public in such a struggle, to inquire into all sides of the question, was the question of the hour; a burning question of a clearly medico-legal character, demanding the highest legal, as well as medical talent.

In 1900 the question of providing National, State and municipal sanatoria for the indigent consumptive was a burning question in some of the foremost States; and while this did, to some extent, involve the question of best methods of treatment, which was a medical and not a medico-legal question, the legislation necessary to secure the construction of sanatoria and the education of the general public up to the point of consenting to provide for and sustain such efforts, did involve questions that concerned every jurist and legislator in the land, and the promoters of the movement did embrace sanatoria and certain questions of treatment, and allowed them to come into the field of discussion.

While, perhaps, a majority of those interested in the movement were medical men, and men of the highest attainments in science, who were at the head of the profession in sanitary science, this organization was formed under the presidency of that Nestor of sanitation, Dr. A. N. Bell, Editor of the *Sanitarian*, the foremost journalist of the Nation

in this field of study, with a strong array of medical men as his co-laborers. The membership was also open to lawyers, judges, statesmen and jurists, and the body commenced its labors. In 1902 the Honorary Vice-Presidents were nearly all Governors of States, and but a few medical men among them, because it was conceded on all hands that the campaign against tuberculosis was one largely of education of the masses of the people, as well as the medical profession itself, in the wisdom and expediency of urging legislation that would be preventive in character and effectual in its preventive results.

The meeting of 1901 was very successful and enlisted a large following on the medical side, and among the Government in the Western Hemisphere. The Government of the United States lent its strong and powerful aid to the work. Delegates from many of the Governments came and the work was well launched.

Opposition came to the efforts and labors of the Congress from medical men outside of the body, who claimed that it was not a medical body; that it should be confined to medical men only, and that the questions presented should be limited to and discussed by medical men only.

This was voted down in the Congress of 1902, on full discussion, where a report confining its membership to medical men only was voted down unanimously, and members of both professions of law and medicine were voted eligible to membership, and all legal, medical and scientific bodies were ordered to be invited to send delegates to the annual Congress.

Those who favored the view that the body be limited in its officers and management to medical men, sought to carry out such a project indirectly, but without the consent of the body and against its express vote. The President elected in 1902, the Secretary elected in 1902, and some few others, sought to restrict its officials to men of this type. This was not satisfactory to the members nor to the founders.

The election of June 11, 1902, ensuing, settled these questions by electing a new board of officers, in which entirely new officers were elected (except Dr. Barrick, as president), and by a unanimous voice the present board was selected without one dissenting voice.

The officers of 1902 took no steps to proceed with the work laid out by the Congress of 1902. After some discussion they agreed to hold the Congress in Washington in 1905, and notwithstanding the almost unanimous voice of the members, declaring that the Congress should be held in St. Louis in 1904, at the World's Fair Exposition, decided to form a new organization for this purpose. At the annual meeting, however, no supporters were found favoring these measures and a harmonious management was chosen.

If the medical profession had in 1900 organized a National movement or Congress on Tuberculosis, as that profession had done in almost all continental countries, it would have been a creditable work, and if such a body had been formed by the medical profession, it is only fair to say that the present Congress would not have been organized.

If the medical profession should to-day, through its great National organizations, decide to call and hold a medical congress on tuberculosis, either on broad or restricted lines of labor, as to the medical questions involved, or on larger and broader lines, it would be a creditable work, and every member of this organization would aid it in every way.

The present movement, however, announced by Dr. Daniel Lewis, the late President of this body, with the aid of the former officers elected in 1902, to organize a congress on tuberculosis in 1905, at Washington, and to ignore their defeat at the annual meeting of June, 1903, when a majority of the members were voting and represented by written proxies, can hardly be called a serious movement.

These gentlemen, it must be conceded, have the right to make such an effort. By no stretch of the imagination, however, can it be said to represent the medical profession of the American nation or people.

Nor can it represent the American Congress on Tuberculosis, which organized in 1900, has held its annual meetings every year since, and which will hold its great meeting October 3, 4 and 5, 1904, at St. Louis, at the World's Fair Exposition.

Not a member of the present organization will oppose its proposed meeting in Washington in 1905.

On the contrary, if it can do good work for the prevention of tuberculosis, or help on even the medical questions involved, let its efforts be acclaimed and cheered. If, as the result of its labors, a representative medical congress on tuberculosis can be organized, it will surely not be without *raison d'être*.

There should be no medical man, who, because of this proposed effort in 1905, should withhold any effort he could make in St. Louis in 1904.

We can justify the medical man who prefers to work on the medical lines alone, if he so prefers, but we can not see our way clear to justify him in opposing the proposed meeting in St. Louis in 1904, or in using his position and influence against the great meeting of 1904, which will meet in October of that year. In another column will be found the action of the officers of the management of the World's Fair Exposition, in naming a committee on organization for this body as an International Congress, under the control of that committee in co-operation with the officers of this body, on full consultation with the Government of the United States; and the correspondence between the executive officers of this Congress with the Department of State shows the splendid and warm sympathy with which the Government of the United States regards the labors of the American Congress on Tuberculosis, and the splendid policy of the Government of the United States in aiding, propagating and encouraging the philanthropic and humane efforts of the present management to arrest and avert the dangers which now threaten so great a number of the people of all lands.

OFFICIAL ANNOUNCEMENT OF APPOINTMENTS OF OFFICERS.

Vacancies in the offices of the American Congress on Tuberculosis occur by death, by resignations, by declination and by failure to qualify, of the officers elected in 1902, some of whom neglected to qualify, and who were re-elected at the annual meeting of June, 1903. If an officer thus elected in June, 1903, neglects or refuses to qualify, the vacancy, when declared by the Council, can be filled.

The power of filling vacancies is vested in the council, and the power has been conferred on the Board of Executive Officers, composed of the chairman of the Executive Committee, the President, the Secretary and the Chairman of the Council.

Dr. F. E. Daniel, of Austin, Texas, was promptly elected First Vice-President, when the gentleman elected, declined.

Dr. E. P. Lachapelle, of Montreal, was one of the Vice-Presidents at large in 1901, but did not qualify in 1902, or in 1903, and his office was declared vacant, and Dr. W. F. Morrow, Secretary of the State Board of Health of the State of Missouri, was duly elected to fill that vacancy in place of Dr. E. P. Lachapelle.

Dr. Frank P. Norbury, who was re-elected one of the Vice-Presidents at large, declining to qualify, the Board declared the office vacant, and Dr. John H. Simon, Health Commissioner of the City of St. Louis, has been offered and has accepted that office of Vice-President at large in Dr. Norbury's place.

Dr. U. O. B. Wingate was elected Vice-President of the Congress at large in 1901 and served. He was re-elected to the same office in 1902, but did not qualify nor enroll in the Congress of 1902. He was re-elected in June, 1903, but did not qualify on notice, and the office was declared vacant,

and His Worship Hon. Adam Beck, Mayor of London, Ontario, has been elected to fill that vacancy.

Dr. Henry B. Baker, of Ann Arbor, Michigan, was a very active and influential member of the Congress of 1901, and was made a Vice-President at large and served on the Executive Committee and did splendid work. .

He was re-elected in 1902 but did not qualify, and substantially withdrew from the labor, although one of the most energetic secretaries of a State Board of Health in the American Union, and he did not qualify in 1902, nor enroll. He was re-elected in June, 1903, but not qualifying his seat was declared vacant, and the vacancy was filled by the appointment of His Worship Hon. John Arbutnot, of Manitoba, Mayor of Winnipeg, who takes an active interest in the work of this Congress.

There are four or five others of the Vice-Presidents re-elected, out of over 100, without opportunity for conference, who may not qualify, and whose seats might, in such an event, be declared vacant, but there is a large waiting list of new, active and enthusiastic men ready, eager and willing to serve, and to fill such vacancies if they occur.

Steps have already been taken to complete the Vice-Presidents from each State of the American Union, Province of the Dominion of Canada, New Foundland and from every foreign country represented, and from the States, Provinces and Colonies of such Governments. Three, or more, Vice-Presidents from each State, Province or country, one of whom at least should be a lawyer or laymen, and the Vice-Presidents of States, provinces and countries are requested to submit suitable names to the management for these positions.

The fact that the Medico-Legal Journal only appears quarterly, and that a large number of announcements of newly elected members, officers and delegates will be named before the September, 1903, issue of this journal, it is announced that announcements will be issued from time to time, through the public press, and sent to the members in advance of the issue of the December number of this journal.

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS AT THE WORLD'S FAIR IN ST. LOUIS EXPOSITION OF 1904.

The managers of the American Congress on Tuberculosis have been asked by the management of the Universal Exposition, St. Louis, 1904, to consider the wisdom and propriety of organizing an International Congress on Tuberculosis to be held at the World's Fair in St. Louis on October 3, 4 and 5, 1904, to be held under its auspices under the appointment and authorization of the board of managers of the Universal Exposition at St. Louis in 1904.

Correspondence ensued which was conducted with the knowledge and approval of the government of the United States.

On September 4, 1903, St. Louis Exposition Board sent to the chairman of the board of officers of the American Congress on Tuberculosis, a letter of which the following is a copy :

St. Louis, U. S. A., Sept. 4, 1903.

Clark Bell, LL. D., 39 Broadway, New York City.

Dear Sir :—You are hereby appointed a member of the Committee of Organization of the International Congress on Tuberculosis, to be held in St. Louis, October 3, 4 and 5, 1904, under the auspices of the Universal Exposition, 1904. We have also nominated you as Chairman of this Committee, and I have informed the other appointees that their meetings are subject to your call. Permit us to express our great satisfaction at the interest which this Congress is attracting, and to express our assurance that, under the guidance of yourself and colleagues, it will be one of the most notable of the international gatherings to be held at the Exposition next year.

Yours very respectfully,

HOWARD M. ROGERS.

The names of the other members of the committee on organization accompanied this letter.

The chairman of the committee advised the gentlemen named of their appointment by the managers of the St. Louis Fair upon the committee on organization, and asked them to signify whether they would accept.

Delay ensued, and further correspondence became necessary, and the committee on the St. Louis Universal Exposi-

tion, 1904, considered it wise to further investigate the subject and to listen to the proposals of other organization and individuals, but finally notified the chairman of the committee on organization that the committee had decided to entrust the organization of an international congress on tuberculosis to a committee on organization, of which the chairman of the board of executive officers of the American Congress on Tuberculosis had been made chairman.

On October 12, 1903, the chairman of the board of officers received a letter from which we make the following extracts :

St. Louis, U. S. A., October 9, 1903.

Mr. Clark Bell, Dundee, N. Y.

Dear Sir :—Your favors of October 5th and 7th duly received. The nominations are being mailed to-day.

We have nothing to notify you concerning the plan and scope of the Congress. That lies entirely with the Committee of Organization which we appointed. We have no desire to modify or restrict your plans in any wise, and you are at liberty to go ahead with such plans for the promotion of the same as you deem wise.

Very respectfully yours,

HOWARD J. ROGERS.

Howard J. Rogers, the Director of Congresses of the Universal Exposition of 1904, at St. Louis, is the executive officer of that committee, and it is due to his energy and enterprise that the managers of the St. Louis Exposition of 1904 have decided that it would be wiser to broaden the scope of the work and to lend a still greater influence to the great congress of 1904, which is to be held at St. Louis.

The issue of the September number of this Journal was delayed to await the final action of the managers of the St. Louis Fair managers.

We stop the press to make this announcement, as we do not go to press again until December, 1903.

The committee on organization of the International Congress on Tuberculosis for 1904, at St. Louis, as named by the Universal Exposition, St. Louis, 1904, is composed as follows :

Clark Bell, LL. D., Chairman, 39 Broadway, New York, President Medico-Legal Society of New York.

A. N. Bell M. D., Editor Sanitarian, Honorary President of the Congress, Brooklyn, N. Y.

E. J. Barrick, M. D., President of the American Congress on Tuberculosis, Toronto, Ont.

J. Mount Bleyer, M. D., New York City, Vice-President of the Congress.

Samuel Beil Thomas, Esq., Secretary of the Congress, 116 Nassau Street, New York.

Ex-Judge Hon. Abram H. Dailey, Honorary President of the Congress, Brooklyn, N. Y.

Dr. F. E. Daniel, Austin, Texas First Vice-President of the Congress, Editor Texas Medical Journal.

W. F. Drewry, M. D., Pittsburg, Va. Member of the Council.

Hon. Moritz Edinger, Corresponding Secretary of the Medico-Legal Society and Chairman of the Governing Council, New York.

A. P. Grinnell, M. D., Burlington, Vt., First Vice President Medico Legal Society.

Prof. Dr. C. H. Hughes, Honorary President of the Congress, St. Louis, Mo.

M. K. Kassabian, M. D., Philadelphia, Pa. Member of the Council.

H. Edwin Lewis, M. D., Burlington, Vt., Editor Vermont Medical Monthly. Member of Council.

Dr. W. F. Morrow, Secretary State Board of Health of the State of Missouri, Kansas City, Mo.

Richard J. Nunn, M. D., Savannah, Ga., Member of Council.

Dr. W. B. Outten, Chief Surgeon, M. P. System, St. Louis, Mo.

Dr. John H. Simon, Health Officer to St. Louis, Mo. Vice-President of the Congress.

J. W. P. Smithwick, M. D., La Grange, N. C. Member of the Council.

G. R. Tabor, State Health Officer, Austin, Texas.

The action as it is explained by Mr. Howard J. Rogers, and as understood by him, is to enable the committee on organization thus named, to complete and arrange for the holding of an international congress on tuberculosis to be held October 3, 4 and 5, 1904, at St. Louis, under the auspices of The American Congress on Tuberculosis and in conjunction with that body on such terms and basis as should be fixed by the committee on organization.

The chairman of the committee will call this committee shortly and its action will be announced later.

The highest honor that could be conferred on the management of the American Congress on Tuberculosis is in the splendid language employed by the American Secretary of State in his instructions to the American Diplomatic Corps, expressing the sympathy of and for the aims and objects of the Congress to our ambassadors and ministers abroad.

Next to that is this very complimentary honor conferred by the management of the World's Fair on the American Congress of Tuberculosis by placing its officers and

leading men upon the committee on organization, and naming as its chairman, the chairman of the board of executive officers.

If the action of the World's Fair committee can aid the movement so superbly endowed by the American Government, it should meet the hearty approval of all our members.

DELEGATES TO THE AMERICAN CONGRESS ON TUBERCULOSIS AT ST. LOUIS IN 1904.

We regard it as a good omen that the interest in the forthcoming Congress of 1904, at the St. Louis Exposition, is already setting strongly for a great meeting in the fall of 1904.

The State of Georgia is first in the field. Dr. Henry McHatton, President of the State Medical Association, as we are advised by Dr. Louis H. Jones, the Secretary, has already responded to our invitation, and the following is the official list of the delegates for the session in October, 1904:

MEDICAL ASSOCIATION OF GEORGIA.

August 10th, 1903.

Mr. Clark Bell, Esq., New York City.

Dear Sir:—I send you names of delegates to American Congress on Tuberculosis. Dr. McHatton is on his vacation in the mountains and has sent me your letter.

Very truly yours,

LOUIS H. JONES.

Dr. R. J. Nunn, Savannah, Ga.; Dr. Charles Hicks, Dublin, Ga.; Dr. T. M. McIntosh, Thomasville, Ga.; Dr. H. McHatton, Macon, Ga.; Dr. W. W. Bacon, Albany, Ga.; Dr. A. K. Bell, Madison, Ga.; Dr. B. W. Bizzell, Atlanta, Ga.; Dr. J. A. Liddell, Cedartown, Ga.; Dr. H. B. McMaster, Waynesboro, Ga.; Dr. C. D. McRae, Rochelle, Ga.; Dr. T. E. Oertel, Augusta, Ga.; Dr. W. Z. Holliday, Augusta, Ga.; Dr. W. L. Bullard, Columbus, Ga.; Dr. R. P. Cox, Rome, Ga.; Dr. T. E. Drewery, Griffin, Ga.; Dr. I. H. Goss, Athens, Ga.; Dr. J. A. Guinn, Conyers, Ga.; Dr. G. M. Niles, Marshallville, Ga.; Dr. M. L. Perry, Milledgeville, Ga.; Dr. R. H. Taylor, Griffin, Ga.; Dr. M. M. Saliba, Savannah, Ga.

COMMITTEE ON ORGANIZATION OF INTERNATIONAL CONGRESS ON TUBERCULOSIS.

The chairman of the committee on organization appointed by the management of the Universal Exposition, St. Louis, 1904, announces that he has just received as we go to press, the following letter from Howard J. Rogers, Esq., the Director of Congresses of the St. Louis World's Fair Exposition, and that that committee will be called to meet in November.

St. Louis, October 19, 1903.

Mr. Clark Bell, 39 Broadway, New York City.

Dear Sir:—In reply to your letter of October 9th, answer to which has been delayed owing to my absence, I beg to state that the President of the Exposition Company has approved the list of nominations recommended by you, and the matter is now in shape for your promotion. We shall be ready to assist you in every way possible.

Very truly yours,

HOWARD J. ROGERS.

This committee will meet in the city of New York, as the most convenient place for a majority of its members, and that members unable to attend will be entitled to name a proxy to vote for them.

The committee on organization is composed as follows:

Clark Bell, LL. D., Chairman, 39 Broadway, N. Y.; President Medico-Legal Society of New York.

E. J. Barrick, M. D., Toronto, Ontario; President of the American Congress on Tuberculosis.

A. N. Bell, M. D., N. Y., Editor Sanitarian; Honorary President of the Congress.

J. Mount Bleyer, M. D., New York; Vice President of the Congress.

Hon. Ex-Judge Abram H. Dailey, Brooklyn, N. Y.; Honorary President of the Congress.

Dr. F. E. Daniel, Austin, Texas; First Vice President of the Congress; Editor of the Texas Medical Journal.

Thomas Darlington, M. D., Kingsbridge, New York; Ex-Treasurer Medico-Legal Society.

W. F. Drewry, M. D., Petersburg, Virginia; Vice President of the Congress; Member of Council.

Hon. Moritz Ellinger, New York; Corresponding Secretary of the Medico-Legal Society and Chairman of the Governing Council.

A. P. Grinnell, M. D., Burlington, Vermont; First Vice President of the Medico-Legal Society of New York.

Prof. Dr. C. H. Hugues, Honorary President of the Congress, St. Louis, Mo.

M. K. Kassabian, M. D., Member of Council, Philadelphia, Pa.

H. Edwin Lewis, M. D., Burlington, Vt., Editor Vermont Medical Monthly. Member of Council.

M. Markiewicz, M. D., New York City. Member of Council.

Dr. W. F. Morrow, Secretary State Board of Health, of the State of Missouri, Kansas City.

Richard J. Nuun, M. D., Savannah, Ga. Member of Council.

Dr. W. E. Outten, Chief Surgeon M. P. System, St. Louis, Mo.

Surgeon General Nicholas Senn, Chicago, Ill. Honorable President of the Congress.

Dr. John H. Simon, Health Commissioner, St. Louis, Mo.

J. W. P. Smithwick, M. D., La Grange, N. C. Member of the Council.

G. B. Tabor, State Health Officer, Austin, Texas.

UNIVERSAL EXPOSITION, ST. LOUIS, 1904.

Administrative Board.

Nicholas Murray Butler, LL. D., President Columbia University, New York.

William R. Harper, LL. D., President University of Chicago.

Henry R. Pritchett, LL. D., President Massachusetts Institute of Technology.

R. H. Jesse, LL. D., President University of Missouri.

Herbert Putnam, Litt. D., Librarian of Congress.

Frederick J. V. Skiff, Director Field Columbian Museum

Frederick W. Hollis, D. C. L., Member Hague Tribunal.

Congress of Arts and Science.

President—Simon Newcomb, LL. D., Washington, D. C.

Vice-Presidents—Hugo Muensterberg, LL. D., Harvard University; Albion W. Small, LL. D., University of Chicago.

St. Louis, September 4, 1903.

Dr. E. J. Barrick, Toronto, Ontario.

Dear Sir:—I hereby notify you that you have been appointed by President Francis a member of the Committee of Organization of the International Congress on Tuberculosis, to be held in St. Louis, October 3, 4 and 5, 1904, under the auspices of the Universal Exposition, 1904.

The chairman of this committee is Mr. Clark Bell, of New York City, and your meetings will be subject to his call. Permit me to express the hope that you will find it possible to accept this appointment, as the committee has been selected with great care, and the acceptance of these commissions by the members will be an assurance of the successful organization of a congress which we deem to be one of the most important in our series of international gatherings.

Yours respectfully,

HOWARD J. ROGERS.

THE STATE OF MISSOURI.

Missouri is the first State whose State Board of Health accepts our invitation to name three delegates from the State Board of Health of Missouri to the American Congress on Tuberculosis to be held at the World's Fair, St. Louis, on Oct. 3, 4 and 5, 1904. We are officially advised by Dr. W. F. Morrow, Secretary of the State Board of Health of Missouri, that the State Board of Health of that State has named three delegates to represent the Missouri State Board of Health, viz:—

Dr. McAlester, the President of the State Board of Health.

Dr. W. F. Morrow, Secretary of the State Board of Health, of Kansas City.

Dr. M. M. Hamlin, of St. Louis.

The Governors of the American States and the Lieutenant Governors of the Canadian Provinces of the Dominion will be requested to send delegates also to the Congress from their several States and Provinces, and we shall be glad to announce the earliest appointments of delegates from the Executives of States.

Hon. Theo. A. Dehesa, the Governor of the Mexican State of Vera Cruz, responds earliest with a strongly sympathetic letter from Xalappa, Mexico.

He is one of the Honorary Vice-Presidents of the Congress from Mexico, and takes a deep interest in its success. In the Congress of 1902, he appointed three delegates from Vera Cruz to the Congress, one of whom, Dr. Louis Españosa, contributed a paper to that Congress.

THE SOCIAL ASPECTS OF TUBERCULOSIS.

We publish in another column an article on "Tuberculosis in its Social Aspects," from the able pen of Dr. F. E. Daniel, Editor of the *Texas Medical Journal*.

The article is likely to attract attention, and this able editor has treated it from the popular side.

His statistical views are based on the researches of Dr. W. S. Carter, of the Medical Department of the University of Texas, at Galveston, and are as startling as they are true.

Dr. Daniel pays a well-deserved tribute to Dr. Arthur Latham and his prize essay of \$2,500 for the best work on consumption: its management, treatment and prevention on the founding of the Edward's Sanitarium for indigent consumptives.

This work deserves high praise and places Dr. Latham in the front rank; and it replaces in treatment, the use of drugs almost absolutely. It was a well-won and richly earned prize, and of great value to the public and the profession, and stands high when contrasted with a compilation of a writer who made a compilation of what the abler men of the medical profession had said and done on the subject, without having the ability or power to speak of his own knowledge or experience concerning the theme.

Dr. Daniel was invited to contribute his article to the American Congress on Tuberculosis in advance of the great meeting to be held on the occasion of the World's Congress at St. Louis on October 3, 4 and 5, 1904, and to introduce the discussion of this branch of the theme on that occasion.

Dr. Daniel has been elected First Vice-President of the American Congress on Tuberculosis, and he throws his personality strongly and aggressively into the contest. He has pronounced and positive views on the issues. He will present them with force, vigor and great ability.

He will be one of the foremost figures in the Congress of 1904, at St. Louis, at the World's Fair, on the medical side, and is one of those great minds in forensic medicine who realizes the power, usefulness and utility of interesting the leading lawyers and legislators of the land in the legal and legislative problems with which the subject is invested.

AN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Hon. David R. Francis, President of the Universal Exposition at St. Louis of 1904, has, by direction of the Board of Directors of that body having charge of the Department of International Congresses, appointed a committee on organization of an International Congress on Tuberculosis, and provided for the organization of such an international congress to be held on October 3, 4 and 5, 1904, at St. Louis, under the auspices of the World's Fair management, and of the American Congress on Tuberculosis, which it had previously placed on its list of international congresses of these dates.

The subjoined letter sent to Dr. E. J. Barrick, of Ontario, who is the President of the American Congress on Tuberculosis, is a duplicate of one sent to the other members of that committee, among whom are to be found the most prominent among the officials of that organization:

Dr. F. E. Daniel, editor of the Texas Medical Journal, elected First Vice-President, has sent the following letter of acceptance:

Austin, Texas, July 20, 1903.

Samuel Bell Thomas, Secretary American Congress on Tuberculosis, 290 Broadway, New York.

Sir:—I have the honor to acknowledge the receipt of your letter of July 12th inst., notifying me of my election by the Council, to the First Vice Presidency of the American Congress on Tuberculosis, to be held in St. Louis in 1904. In tendering, through you to the Council, my acknowledgements of the courtesy and honor thus done me, and signifying my acceptance of the responsible trust, permit me to say that I expect and intend to take an active interest in the work. No more important subject could engage the attention and receive the earnest efforts of the two "learned professions" than sanitation;—preventive measures against the most deadly of all the diseases that afflict mankind. Consumption is a "preventable disease;" it is easily preventable, but the people must be taught how to prevent it in their own families, and the authorities must have the aid of the law to enable them to institute measures of prevention for the public safety. I, therefore, favor the co-operation of the legal with the medical professions—in a congress as now organized, rather than one composed solely of medical men, however learned; for, the physicians of the country can only advise,—they have no power to execute,—and too often, as we have seen in Texas, repeatedly, the advice is unheeded. We need the influence of Governors of States, law-makers, statesmen, to enable us to secure such legislation as is necessary to the enforcement of the sanitary ordinances advised by the medical men of the several States. That the intelligent and zealous and persistent enforcement of sanitary measures, the application of sanitary science, will, in time, eradicate, and very soon, greatly diminish the evil, we are warranted in hoping and saying, by the success that has attended such measures in Cuba, where yellow fever, endemic for two centuries, has been eradicated; and in the Philippines, where under the sanitary administration of the United States Army, the bubonic plague has been suppressed, rendered powerless for evil. The cause being known, was vigorously attacked and removed. So with the "great white plague." We know the cause, and the mode of propagation of the disease. The cause must be destroyed, and communication from the sick to the well must be prevented. This can be done, but it requires the authority of the law, and we must have it; we must interest others than physicians; we must cultivate an enlightened public sentiment, so that the people, (the power in all democratic governments) may know the necessity of demanding, and must demand of the legislatures, laws that will protect them from this, as from all other diseases. They must know the danger of infection in sleeping cars and hotels, and must insist that such rooms and cars shall be free from the danger before they will occupy them. I am glad to be able to say that Texas has the honor to be the first State to enact laws of this kind for the protection of the public. An important part of the work of the Congress in the interval between now and the sitting in 1904, will be the distribution of literature bearing on the subject, for the enlightenment of the people.

The proposed meeting in St. Louis during the great Centennial is sensible, timely; it should not be postponed. The last U. S. Census reports 109,000 deaths from consumption in the United States in 1900, in the registration districts alone. It is safe to say that 150,000 die of consumption in the United States every year, for, the "registration area" embraces only States and cities that have reliable mortuary records and that make reports to the Census Bureau,—and only about one-third of the entire population is represented in the registration area; the non-registration districts represent, for the most part, the rural population. Says Prof. W. S. Carter, University of Texas, (see transactions Texas State Medical Association, 1902, pp. 366-7): "Taking the mortality rate, (190.5 per 100,000 in this area, and applying it to the entire population, it is found that there were 145,000 deaths from tuberculosis in this country in 1900, as compared with 154,000 in 1890. We can get a better idea," says Prof. Carter, "of the significance of these figures by comparing them with other great losses of life. It is estimated that the total number of lives lost on both sides during the great Civil War, 1861-1865, amounted to three-quarters of a million. It will be seen that the number of deaths from tuberculosis in this country between the last two census reports (1890-1900) was twice as great as the total number of deaths from all causes on both sides during the war between the States."

Comment is unnecessary. The figures are simply appalling. And yet tuberculosis is a preventable disease, not contagious, but communicable from the sick to the well. It is an uncomplimentary commentary upon our boasted civilization and enlightenment, that in most States little or nothing is done to diminish this fearful and unnecessary destruction of life, but nearly all efforts at sanitation are directed to the prevention of yellow fever, the mortality of which, as compared with consumption, is as one to one hundred and fifty. That is: for the last century the average deaths from yellow fever in America, yearly, has been 1,000. One hundred and fifty times as many die of consumption every year. The government owes no higher duty to its people than to protect them from this terrible danger. The power of the law must be invoked to do it, as it is in all other dangers to the public. There is no time to lose. Every day lost means the death of over four hundred people in America from a disease that can and must be prevented.

I think the Congress should be called: "The American Medico-Legal Congress on Tuberculosis," as more expressive of its real character, and to distinguish it from the Congress that proposes to include only medical men and meet in 1905.

Very respectfully yours,

F. E. DANIEL, M. D.

Dr. A. M. Linn, of the Iowa State Board of Health, of Des Moines, Iowa, accepts the position of Fifth Vice-President. His letter is as follows:

Mr. Clark Bell, Esq.

My Dear Sir:—I am just in receipt of yours and hasten to reply. You are certainly to be commended for the zeal you manifest in your work for the success of the American Congress on Tuberculosis. Certainly there is before the Congress a great work to be

done for our afflicted race. Whatever I can do to contribute to that desirable end I will do willingly.

Most cordially yours,

A. M. LINN.

Dr. A. P. Grinnell, of Burlington, Vermont, is Vice-President of the Medico-Legal Society. His letter of acceptance is as follows:

Burlington, Vt., July 13, 1903.

Hon. Clark Bell, Esq.

My Dear Mr. Bell:—Your letter, with other documents, are received and I have looked them over and am satisfied that the matter is now settled, and that you have been thoroughly exonerated and that the American Congress on Tuberculosis will be held in St. Louis, and that your special friends and supporters will be present and look after the interests of the Congress.

I am inclined to question the propriety in the selection of men as "Council of the American Congress," who are so generally from the medical profession. I believe it is for the interests of all such organizations, that fewer doctors be connected with it, but to interest laymen, business men and lawyers, and not have it seem that it is a "Doctors' " affair.

However, I hope it will turn out all right and be creditable to the country, and worthy of recognition among all people who are interested in this kind of work.

You asked me to send the title of my paper to be read at the St. Louis meeting in 1904. I have thought best to write a paper entitled, "How and By Whom Can Sanitary Laws Be Enacted and Enforced."

My object in discussing this question is, perhaps, to show that the medical profession have not been successful in controlling legislatures in the enactment of laws regulating sanitary matters, and believe that almost any laymen is able to carry more influence than any of us. I enclose a proxy made out as you requested, and shall forward to you in a short time, a subscription to assist in the work. With kindest regards to you all, I am,

Sincerely yours,

A. P. GRINNELL.

PROF. DR. MAURICE BENEDIKT.

It is with great pleasure that we announce the acceptance by Prof. Maurice Benedikt, of Vienna, of the invitation to take part in the American Congress on Tuberculosis at the St. Louis Exposition of 1904.

His paper will be on "The Toxins of Tuberculosis." Prof. Benedikt's name is one of the most lustrous of all the men of science of the Old World.

He is an Honorary Member of the Medico-Legal Society, and his coming over in 1904 will be one the most significant events of that Congress. It is not unlikely that other names of great distinction will also be invited and accept.

Prof. Dr. Herman Kornfeld is also an Honorary member of the Medico-Legal Society, and an Honorary Vice-President of the American Congress on Tuberculosis. Like Prof. Benedikt, he contributed a paper to the Congress of 1902, and he has also been invited. Prof. Koch, of Berlin, is likely to be invited to take part. Prof. Brouardel, of Paris, and a few names of world-wide fame, Niels R. Finsen, of Denmark, among them.

Dr. Benedikt's letter is as follows:

Prof. Dr. Maurice Benedikt, 1 Franciskaner Platz 5.
Vienna, August 20, 1903.

Care Collega.—I send you \$2.50 for the membership of the Congress and for the Medico-Legal Journal.

When the Congress of 1904 will be held not in the Summer, but in the month of September or later, I will be happy to take part.

The Winter is too dangerous for us who are not accustomed to the heat of your Summer.

I have already 68 years, and though I intend the next week to make ascensions on mountains of nearly 4,000 metres, I fear the extravagant heat. Perhaps I shall read a paper about "The Toxins of Tuberculosis. Accept the expressions of greatest sympathy.

From yours faithfully,

M. BENEDIKT.

To Clark Bell, LL. D., Chairman Executive Committee, American Congress on Tuberculosis, 39 Broadway, N. Y.

HONORARY PRESIDENTS.

The board of executive officers are considering the advisability of slightly increasing the list of Honorary Presidents. At a recent session of the executive officers to whom the subject was referred, Prof. Maurice Benedikt, of Vienna, Austria, was elected Honorary President of the American Congress on Tuberculosis, to be held at St. Louis in 1904.

It will be remembered that he contributed an important paper to the body at the Congress of 1902. He takes a deep interest in the subject and the executive officers give him this high endorsement of his great service to the work.

HONORARY VICE PRESIDENTS.

Dr. T. G. Roddick, M. P., of the Dominion Parliament, and one of the most prominent physicians and surgeons of Canada, has been appointed Honorary Vice-President, and he will take an active part in the work of the body.

The President, Dr. E. J. Barrick, is organizing the work in the various provinces of the Dominion. The list of Vice-Presidents in the several provinces is well near completion, but we are unable to fully complete it in time for this number. In several of the Provinces the selections have been made and at the next meeting of the executive officers these officials will be duly appointed and their names announced.

HONORARY PRESIDENTS.

The most notable event is the appointment of Prof. Maurice Benedikt, of Vienna, Austria, Honorary President in the place of Prof. A. G. Adami, of Montreal, who is understood by the board of executive officers not to be in sympathy with the movement of holding the Congress in St. Louis, Mo.

VICE-PRESIDENTS OF THE AMERICAN CONGRESS ON TUBERCULOSIS RECENTLY APPOINTED AND WHO HAVE ACCEPTED IN THE DOMINION OF CANADA.

Honorary Vice-President.

Dr. T. G. Roddick, M. P., Montreal, Quebec.

Sir. William Hington, M. D., Montreal, Quebec.

Hon. Senator Geo. A. Drummond, M. D.

James Loudon, President of the University of Toronto.

Vice-Presidents at Large.

Dr. W. P. Caven, Toronto, Ontario.

Dr. Daniel Clark, Toronto, Ontario, vice Henry B. Baker, not qualified.

Dr. R. W. Powell, Ottawa, Ontario.

Dr. W. H. Moorehouse, London, Ontario, vice Dr. C. S. Wilbur, not qualified.

Vice-Presidents of Provinces.

Ontario.

Dr. Albert A. Macdonald, Toronto, Ontario.

Dr. J. A. Robertson, Stratford, Ontario.

Mayor Adam Beck, London, Ontario.

Quebec.

Mayor James Cochran, Montreal, Quebec.

New Brunswick.

Mayor W. W. White, St. Johns, N. B.

Charles J. Coster, St. Johns, N. B.

Manitoba.

Mayor John Arbuthnot, Winnipeg, Manitoba.

Dr. H. H. Chown, Winnipeg, Manitoba.

Dr. J. A. M. Aikins, Esq., K. C., Winnipeg, Manitoba.

North West Territories.

Dr. J. D. Laferty, Calgary, N. W. T.

Dr. G. A. Kennedy, McLeod, N. W. T.

Rev. Dr. J. C. Herdman, Calgary, N. W. T.

British Columbia.

Dr. C. J. Fagan, Victoria, B. C.

Rev. Leslie Clay, Victoria, B. C.

Dr. S. T. Turnstall, Vancouver, B. C.

RAILWAY SURGERY.

New York State Association of Railway Surgeons.

The thirteenth annual meeting will be held at the Academy of Medicine, New York City, on November 12 and 13, 1903. An attractive programme is presented. The first day will be devoted to the reading of papers and election of officers. The second day to clinics in the morning at Roosevelt Hospital, and in the afternoon at City Hospital, Blackwell's Island. Luncheon in the grill room of the Academy first day at one o'clock.

AMERICAN CONGRESS ON TUBERCULOSIS.

To be held as The American Congress on Tuberculosis,
October 3rd, 4th and 5th, 1904, under the auspices
of the Universal Exposition, at St. Louis, 1904.

Honorary Presidents :

Lay :

Hon. John Hay,
Hon. Gen. Russell A. Alger,
Hon. Ex-Judge A. H. Dailey,
Hon. Judge C. G. Garrison,

Medical :

Prof. Dr. M. Benedikt,
Dr. A. N. Bell,
Prof. Dr. Chas. H. Hughes,
Gen. Presley M. Rixey, M. D.
Gen. Nicholas Senn, M. D.

Council :

Moritz Ellinger, Esq., Chairman.
J. Mount Bleyer, M. D., N. Y. City.
A. P. Grinnell, M. D., Vermont.
H. Edwin Lewis, M. D., Vermont.
Richard J. Nunn, M. D., Ga.
W. F. Drewry, M. D., Va.
M. K. Kassabian, M. D., Pennsylvania.
J. W. P. Smithwick, M. D., N. C.

Officers :

President, E. J. Barrick, M. D., Toronto, Ontario.
First Vice-President, F. E. Daniel, M. D., Austin, Texas.
Second Vice-President, Ex-Chief Justice, L. Bradford
Prince, Santa Fe, N. M.

Third Vice-President, Dr. Charles K. Cole, Helena,
Montana.

Fourth Vice-President, Dr. Sofus F. Nelson, Pulman,
Wash.

Fifth Vice-President, Dr. A. M. Linn, Des Moines, Iowa.
Secretary, Samuel Bell Thomas, 116 Nassau St., New
York.

Treasurer, Clark Bell, 39 Broadway, New York.

New York, Sept. 21, 1903.

To the Officers, Delegates and Members of the American
Congress on Tuberculosis :

It affords the Executive Officers of the American Con-
gress on Tuberculosis great pleasure to announce the re-

ception of the following letters from the Government of the United States, Department of State :

" Department of State.

Washington, August 29th, 1903.

Clark Bell, Esq., Chairman of the Executive Committee of the American Congress on Tuberculosis, 39 Broadway, New York.

Sir :—Referring to the correspondence which the Department has recently had with you concerning the desire of the Committee on Organization of the proposed American Congress on Tuberculosis to be held at St. Louis, on October, 1904, to have this Government give its support to the invitation which the Committee has addressed to each American Government to be represented at the Congress, I enclose herewith a draft of an instruction to each diplomatic representative of the United States in the Western Hemisphere. The Department will be pleased to consider any changes in, or additions to the draft, you may suggest. I am, Sir,

Your obedient servant,

F. B. LOOMIS,
Assistant Secretary."

" Department of State,

Washington, Sept. 18, 1903.

Clark Bell, Esq., Chairman Executive Committee, American Congress on Tuberculosis, 39 Broadway New York City.

Sirs :—I have to acknowledge the receipt of your letter of the 31st ult., and to inform you that the instructions to the Diplomatic Officers of the United States accredited to the Central and South American States, Mexico, Haiti and San Domingo have been sent in the language of the draft submitted to you on August 29th, but amended in the particular suggested in your letter under acknowledgment.

Instructions of the same tenor with regard to the British, French, Dutch and Danish Colonial Governments have gone to our Ambassadors at London and Paris, and our Ministers at the Hague and Copenhagen respectively.

In the hope that these instructions will result in a full representation by American States and Colonial Governments at the Congress on Tuberculosis at St. Louis next year, I am, sir,

Your obedient servant,

ALVIN A. ADDEE,
Acting Secretary."

" Department of State.

Washington, November 3, 1903.

Clark Bell, Esq., Chairman, etc., American Congress on Tuberculosis, 39 Broadway, New York.

Sirs :—I have to acknowledge the receipt of your letter of the 28th ultimo, and to state in reply that this Department has no objection to your printing the correspondence it has had with you in regard to the American Congress on Tuberculosis and the instructions it sent to the diplomatic officers on the subject.

The text of the instructions to the diplomatic representatives to the American Republics, as printed in the proof which you submit, has been corrected to correspond with the text as sent.

I enclose, as you request, a copy of the instructions sent to Ambassador Choate. The instructions to France, Denmark and the Netherlands are *mutatis mutandis* in the same language.

The Department will advise you of the replies as they are received. I am, Sir,

Your obedient servant,

FRANCIS B. LOOMIS,
Assistant Secretary."

The Chairman of the Executive Committee felt that it was impossible to improve upon the admirably prepared proposed instructions, but suggested as an amendment the omission of a single clause in a portion of one sentence which the State Department concurred in, and the text of the instructions and the accompanying papers as sent is as follows after the amendment suggested :

" Sir :—The Department is informed by Mr. Howard J. Rogers, Director of International Congresses of the Universal Exposition to be held in St. Louis in 1904, that the American Congress on Tuberculosis has been placed on its list of official Congresses and that the dates for said Congresses will be October 3, 4 and 5, 1904.

The Department is also advised by Mr. Clark Bell, Chairman of the Committee of Organization of the Congress, that the Executive Committee and Officers of the Congress have sent to the Government of each American Country an invitation for official representation by that Government, in the Congress ; and the request is made of the Department to give such support to the invitation as it properly may.

The humanitarian object which this Congress has in view to reach, by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this dreadful disease which now falls with such terrible force and fatality upon the people of the Western Hemisphere, cannot but enlist the sympathy and approval of the Government to which you are accredited.

The Department will, therefore, be pleased to have you say to that Government that this Government is in entire sympathy with the work of the proposed Congress, and would be pleased to learn that the Government of.....took a like interest in its success by the acceptance of the Committee's invitation and the appointment of three or more scientific gentlemen to represent it at the Congress.

This Government would also be pleased if that of..... could find it convenient to comply with the request of the Committee to give the matter publicity in order that it may come to the knowledge of interested organizations and public spirited citizens of that country. I am, Sir,

Your obedient servant,

&c., &c.

This splendid expression of the Sympathy of the Government of the United States insures a cordial reception of our work in the nations of the Western Hemisphere.

The Governor of Missouri has made the appointment of thirty-six delegates to represent that great State at whose Chief City it will be the host of the delegates from all parts of the entire Western Hemisphere. The State Board of Health of that State has already named its delegates to that Congress.

The State Medical Society of Georgia has already selected and named its delegates to attend that Congress, and while this State has no Board of Health steps have been taken to secure a suitable and representative delega-

tion from a State that has been among the foremost in its support of the efforts of this body. The Governor of New Jersey has named delegates from that State.

The remaining Governors of the American States will also be invited and the invitation has been delayed until the Government of the United States has taken this splendid and sympathetic action, which evinces and illustrates the paternal policy of our Government in aiding every effort for the protection of the health and the lives of our people when menaced from any form of disease that Science has found to be communicable and preventible.

We assure you that every indication now points to a great meeting at the session of the American Congress on Tuberculosis at the World's Fair at St. Louis in October, 1904, and we invite the co-operation of every philanthropic mind and the accession of men of the Medical profession as well as those of the law, Judges, Jurists and students of every branch of scientific inquiry who can in any way aid in securing preventive legislation in aid of our work.

E. J. BARRICK, M. D.,
President.

CLARK BELL,
Chairman Executive Committee and
Board of Officers.

MORITZ ELLINGER,
Chairman of Council.

SAMUEL BELL THOMAS,
Secretary.

NOTICE TO MEMBERS AND DELEGATES TO THE AMERICAN CONGRESS ON TUBERCULOSIS.

Every member or delegate to the American Congress on Tuberculosis, from its organization in 1900, to and during the year 1903, who remits half price, or \$1.50 per volume, can have the Medico-Legal Journal sent him. Volumes

XIX and XX contain nearly all the papers read at the Congresses of 1901 and 1902, and volume XXI will contain all the remaining articles that will be embraced in the Bulletin of the Congress for 1902, which will be slightly delayed so as to embrace all the transactions of the annual meeting of June, 1903, and such papers as have not yet been published of the papers read and contributed for the Bulletin of 1902. The delegates named for the Congress of 1902 by Governors of States or state medical and other bodies, can also avail themselves of this offer.

The titles of papers should be sent early to the officers so that they can be classified.

Members desirous of working on either of the standing committees, should advise the officers which they prefer, so as to complete the organization of the standing committees during the present year, 1903, if possible.

THE SUPREME COURT OF THE STATES AND PROVINCES OF NORTH AMERICA.

The second volume of this work which commences on the State of New York, will be continued in a later number by some chapters on the New York Court of Appeals. This has been interrupted by the space given to the American Congress on Tuberculosis, which requires so much attention in the current number of the Journal.

The State of New York will no doubt fill the greater part of Volume II of the work, and it will be published in addition as a brochure, intact in one volume, in Volume VIII of "Bell's Medico-Legal Studies." The illustrations will be portraits of the judges of the Court of Appeals of the State from its organization. The June number contains the Bench of that Court in 1903, and the brochure and Volume

II of the work will contain the biographies of the judges of the court and of the judges of the Supreme Court.

The historical sketches of the General Term of the Supreme Court from the organization until it was succeeded by the Appellate Divisions, and will aim to contain portraits and sketches of the judges of the General Terms of the State in all the Departments, and the remaining historical sketches of the Supreme Court, in its various departments, will be continued in succeeding numbers, and we trust completed in Volume XXI of the Journal.

This number will contain groups of the judges of the Supreme Court for 1902 in the city and county of New York, and portraits of some of the leading officials of the American Congress on Tuberculosis.

NEW YORK SUPREME COURT.

The complete work on the Supreme Court of New York being the judicial history of that court in the State of New York which has been running in this Journal, is approaching completion, and will form Volume II of the Supreme Court of the State and Provinces of North America. It will be completed in 1904. It will begin with the Dutch and English systems; the Revolutionary Period and the Period of Statehood under the Constitutions of 1777, 1821, 1846 and the later amendments to 1894. It will contain an historical sketch of the Courts of Admiralty and Chancery in colonial times, and early courts of the State before and after the Revolution which will be published as a separate volume early in the next year. Also a judicial history of the New York Court of Appeals with sketches and portraits of the judges of that court from its inception to 1903, and this brochure will also be published as a separate volume, near the close of 1903. The portraits of the present Bench,

1903, in judicial robes appeared as the frontispiece of the June number, reproduced from original portraits furnished the author by the judges of that court.

An interesting feature of the large work will be a historical sketch of the General Terms of the Supreme Court of the State in each of the judicial districts of the State from the organization of the General Terms to the end of their existence, and of the Appellate Divisions which succeeded the General Terms, organized under the Constitution of 1894, and will be illustrated by portraits and sketches of the judges of both said bodies.

This work will be also published as a separate brochure and will run through Volume XXI of the Journal, which, commencing in June, 1903, will run through the remaining numbers of 1903 and 1904 of the Medico-Legal Journal.

A beautiful group of the full bench of the Court of Appeals of 1903, arranged on a large sheet, suitable for framing for lawyers' offices or public libraries is published, and can be obtained by addressing this Journal. Groups of the judges of the Appellate Division in the Second, Third and Fourth Departments in judicial robes, prepared for framing, have been published by the author from original portraits furnished by the judges, and will appear in the Journal.

the brochure named, and will appear late in 1904.

Address the Medico-Legal Journal or the author, at No. 39 Broadway, New York, for detailed information.

THE BULLETIN OF THE CONGRESS OF 1902.

As no separate Bulletin will be issued for the American Congress on Tuberculosis for 1903, a general request or suggestion has been made to delay the issue of the Bulletin of 1902 so as to embrace the proceedings and action of the

annual meeting of the body on June 11, 1903, and such additional papers as have not been included in that volume. The board has authorized this course and has arranged that it can be furnished to all new members at \$1.50, or half price, if notice is given to the Medico-Legal Journal and the money paid in advance.

INTERNATIONAL ARBITRATION.

The ninth annual conference on international arbitration was held at Lake Mohawk, May 27, 28 and 29, 1903, at the Lake Mohawk House, in Ulster Co., N. Y., under the presidency of Hon. John W. Foster, of Washington, D. C.

The report of the conference is on our table and shows the value and importance of the work of this body. It is a handsome brochure of 144 pages, and presents the latest and the ablest thoughts on this interesting subject, which is making its way marching with stately steps among civilized countries. We commend it to our readers as a valuable contribution to the world's literature on this important and interesting subject.

PERSONAL.

DR. G. BETTINI DI MOÏSE.

We regret to announce that one of the delegates of the Medico-Legal Society of New York, to the International Medical Congress at Madrid, Spain, met with a serious accident on the steamship on his outward passage, as a delegate to that congress, which has thus far entirely incapacitated him, since the voyage was attempted.

He has been under medical treatment at Genoa, Italy, since March last, has been wholly disabled and unable to return home or practice his profession. The injury does not respond to medical treatment.

We hoped to have announced his speedy recovery, but the later advices are unfavorable and do not indicate an early recovery.

DR. I. N. LOVE.

The death of this able and distinguished physician from apoplexy on June 18th last, on the steamship Aurania, after reaching quarantine, removes one of the ablest and most successful members of his profession in the American metropolis.

Formerly of St. Louis, where his reputation was made, and where he founded the Medical Mirror, of which he was editor at the time of his untimely death, he had come to New York city and stood in the front rank of medical counsel. He leaves a widow and two children. He was a newly elected member of the board of trustees of the Medico-Legal Society, and took an interest in the American Congress on Tubercuulosis, which organization he joined at the

session in New York in June, 1902, and his death prevented his acting in an official position at the Congress at the World's Congress in 1904, at St. Louis.

Dr. Love was in all ways a lovely and charming man, outside of the high position he held in his profession. He was a warm, staunch friend, of a confiding, truthful and hopeful nature, and his untimely death interrupted a great career. As a medical journalist he was successful and was held in high esteem.

His personality was the most attractive feature of his journal, and it will be next to impossible to fill his place as editor.

Its staunchest and oldest friends and subscribers would hardly recognize it as Love's Medical Mirror, since his death, a fate it did not deserve, and which ought still to be averted.

JOURNALS AND BOOKS.

STUDIES IN THE PSYCHOLOGY OF SEX. By Harlock Ellis. F. A. Davis & Co., Publishers, Philadelphia, Pa., 1903.

This work is one of a series, and is described by the author as an analysis of the sexual impulse. Love and Pain is one part of the "Sexual Impulse in Woman."

In respect to the first analysis, the author states that he has not discussed "Sadism" and "Masochism" from the Medico-Legal standpoint, which we greatly regret, and can not see why so able a pen is voiceless. for the reason he gives, that "it has already been done by other writers whose works are accessible."

Mr. Ellis, however, makes a masterly analysis of the element of pain in its relation to the sexual instinct.

The work is most interesting in its treatment of the sexual impulse in women. It is treated on broader lines and evinces great research and study.

Its really distinguishing valuable feature is the evidence given the author by women themselves from passages in their own lives, either in confidence or anonymously, but so as to give facts and valuable information.

To students of perversion, this work is full of interest. Its cases are more carefully arranged and classified than Krafft-Ebly's and are valuable as studies.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

EDWIN C. WALKER, N. Y., "Who is the Enemy ; Anthony Comstock or You?" Oct. 1, 1903.

DOCTOR EMILIO R. CONCI, BUENOS AIRES, S. A. "La Lucha Antituberculosa." Vol. II. Nos. 8 to 12. January to May, 1903.

BUSINESS CORPORATIONS UNDER THE LAWS OF NEW JERSEY. Published by The Corporation Trust Co. of New Jersey.

HERBERT F. PRESCOTT. "Klips," What it Is, What it Does, &c. Copyrighted, 1903.

GEORGE W. HOPKINS, M. D., CLEVELAND, O. "The Treatment of Chronic Catarrhal Deafness." Reprint from the Medical News, August 22, 1903.

MONTREAL, CANADA. Published for free distribution by the Montreal Business Men's League.

JOHN FULTON, M. D., KANSAS CITY, MO. "A Gigantic Medical Fraud Detected and Exposed." Reprint from the Kansas City Medical Index Lancet, July, 1903.

BROOKLYN LAW SCHOOL OF SAINT LAWRENCE UNIVERSITY. General statement.

JOHN S. PARKER, of the New York Bar. "Where and How?" Being a Digest of the Corporation Laws of New York, New Jersey, Maine, Delaware, West Virginia, South Dakota and Massachusetts

REPORT OF THE LOWER AUSTRIAN LANDESAUSSCHUS, (Provincial Committee,) as to its transactions from July 1, 1901, to June 30, 1902.

ANNUAL CATALOGUE OF IMPORTANT REMAINDERS OF STANDARD PUBLICATIONS John Grautt, Edinburg

BULLETIN OF THE NATIONAL ART THEATRE SOCIETY of New York.

W. A. NEWMAN DORLAND, A. M., M. D. "The American Pocket Medical Dictionary." Fourth Edition. W. B. Saunders & Co., Philadelphia, Pa.

W. A. NEWMAN DORLAND, A. M., M. D. "The Illustrated Medical Dictionary."

CHAS. OLIVER SAHLER. "Psychic Life and Laws." Fowler & Wells Co.

THE AMERICAN YEAR BOOK OF MEDICINE AND SURGERY. Philadelphia, Pa. W. B. Saunders & Co. 1903.

THE INTERNAL SECRETIONS AND THE PRINCIPALS OF MEDICINE, by Charles F. De M. Sajous, M. D., Phila., Pa. F. A. Davis Company. 1903.

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INDEX TO NOTES IN THE LAWYERS' REPORTS ANNOTATED. The Lawyers' Co-operative Publishing Co., Rochester, N. Y.

AMADOR. A brief description of the Amador Mine. Chicago, Aug. 1, 1903.

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BULLETIN No. 11. Hygienic Laboratory U. S. Public Health and Marine Hospital Service. Washington, 1903. An Experimental Investigation of Trypanosoma Lewisi.

THE TREATMENT OF CHRONIC DIARRHEA, by Charles D. Aaron, M. D., Detroit, Mich

REFLEX NEUROSES, by Wm. Cheatham, M. D. Reprint from the Louisville Monthly Journal of Medicine and Surgery. June, 1903.

TUBERCULOSIS AND THE SANITARIUM, by John Lowman, A. M., M. D. Cleveland, O. Reprint from the Columbus Medical Journal. April, 1903.

BETIRO'S ORIENTAL MYSTERIES. A Monthly Magazine of Oriental Mysteries. Vol. I. No. 2. July, 1903.

MAGAZINES.

THE CENTURY. This Journal announces in advance its November number as to contain: Chapters from Andrew D. White's "From My Diplomatic Life," this month on Bismarck, with whom he had unusually interesting relations. In the series of engravings by Timothy Cole from the Old Spanish Masters is a cut of the famous portrait of Pope Innocent X by Velasquez. There are two colored pictures of tropical sunsets by F. W. Stokes, whose previous scenes from the Arctic and Antarctic have attracted much attention in "The Century." Dr. James M. Buckley plunges into current questions in an essay on "The Present Epidemic of Crime," a subject of which he has been a careful student.

THE YOUTH'S COMPANION. This Journal maintains that high standard of excellence which makes it a welcome visitor in any home in the land where children dwell.

THE LITERARY DIGEST is edited and conducted with that rare ability that gives every phase of public opinion on the leading questions of the hour, as reflected in the public press of the time. Its proprietors, Funk & Wagnall, have contributed great works to the book-loving world, like "The Standard Dictionary," and other valuable publications, but to editors, literary men and students, they have done nothing of greater merit and value than "The Literary Digest," which entitles them to public thanks and gratitude.

THE PHILISTINE. Ernst Crosby writes on "Brotherhood and Charity," in the October number; and Lyman Chandler moralizes on the sentence "Not to Know Instinctively the Difference Between Right and Wrong is to Have Failed in Life." The old doctrine was that the ability to distinguish and discriminate between the knowledge of right and wrong, was a sure test of the sanity or insanity of a homicide. This must have been based on the assumption that the sane mind had by nature that power. The courts have, since the adoption of the New Hampshire doctrine, held that criterion an unsafe test of insanity—for all those who manage the insane know, that the greater part of the insane know right from wrong, in nearly the same proportion as those not so considered.

Elbert Hubbard, as Pastor, continues his heart to heart talks with his flock, and gives his views on "Barred Wire Fences," "The Infernal Regions;" "Ernst Thompson Seton," "The Emperor, Claudius and His Marital Infelicities," "The Much Maligned and Misguided Woman, Zantippi," and all under a "Formula for Hate, Keep Your Eyes on Each Other's Deficiencies," which he prints on the outside of his Journal.

THE SURGICAL CLINIC finished its career as a journal by its July issue, being No. 7 of its 2nd Volume, and merges itself with the Alkaloidal Journal as a Surgical Department of that Journal. And the combination of both journals continues in the August number of the Alkaloidal Clinic. This merger seems to have been most wise and will be a profitable change for both journals.

THE KALHIA WAR LAW REPORTS. Lindi, India. The July number, 1903, part IV., of Vol. XIII, is before us, and contains the Reports of the Argument and Appellate Court cases of the Chief Court of Civil and Criminal Justice in Kalhia War; the decisions of the Political and Garas cases, and the Appellate decisions of the Bombay Government on them all from p. 97 of part 4, to p. 128, both inclusive.

THE SANITARIAN. Edited by Dr. A. Bell, of Brooklyn, for October, contains an interesting letter from Dr. E. J. Barrick, M. D., President of

the American Congress on Tuberculosis, to his predecessor, Dr. Daniel Lewis, of N. Y., whom Dr. Barrick succeeds in that office, in reply to Dr. Lewis' criticisms, respecting the work and history of the organization, which is interesting to the members of that body, and to Dr. Lewis, as to which Dr. Barrick speaks from his personal knowledge of affairs, that he took a prominent part in as an officer and member, and asserts that Dr. Lewis, who had never attended a session of the body, had been misinformed.

The same number makes public an interesting letter from Prof. Chas. E. Hughes, of St. Louis, one of the Honorary Presidents of The American Congress on Tuberculosis, to Dr. Henry D. Holton, former President of that body, counselling, harmony and conciliation in the movement on foot by some of the officers of 1902, who had not been re-elected at the annual meeting of June, 1903, to oppose holding a Congress in St. Louis, in 1904. Dr. Hughes favors the proposed meeting in Washington, D. C., in April, 1905, by those who write to engage in it, and also asks them to withdraw their opposition to the Congress announced to be held in St. Louis, in 1904, and urges the impolicy of opposing the St. Louis Congress of 1904.





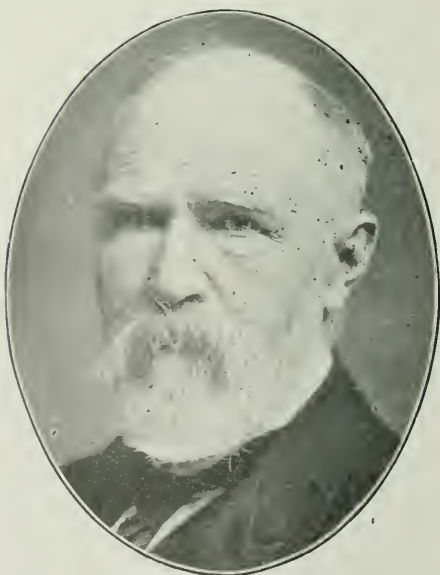
THOS. DARLINGTON, M. D.,
President Health Department, New York City; Sec-
retary Committee on Organization of Interna-
tional Congress on Tuberculosis, appointed
by Universal Exposition, St. Louis 1904.



HIS WORSHIP JOHN ARBUTHNOT, ESQ.,
Vice President for Winnipeg, B. C.,
Mayor of the City of Winnipeg, B. C.



DR. W. H. MOOREHOUSE
London, Ontario.
Vice President-at-Large



JAMES LOUDON.
President of Toronto University.
Honorary Vice President.

PROMINENT OFFICIALS OF THE AMERICAN INTERNATIONAL CONGRESS
ON TUBERCULOSIS TO BE HELD AT UNIVERSAL EXPOSITION,
ST. LOUIS, OCTOBER 3d, 4th and 5th, 1904.

ORIGINAL ARTICLES.

THE ODELL LUNACY LEGISLATION.*

HOW CAN ITS REPEAL BE BEST EFFECTED?

BY CLARK BELL, ESQ., PRESIDENT MEDICO-LEGAL SOCIETY.

The repeal of the Lunacy Legislation induced by Governor Odell is a public necessity. It is a public scandal and disgrace to the State.

That the management of the State Hospitals for the insane, should be subject to and at mercy of the success of either political party at our annual elections, is a public calamity. Whether the evil can be cured and eradicated before the expiration of Governor Odell's term, or not, it is still our bounden duty to leave no stone unturned to secure this desirable result at the earliest possible moment.

The Medico-Legal Society did not hesitate for a moment last autumn to place itself squarely on the record in denouncing the Legislation, and in demanding its repeal. A memorial committee was named by the unanimous action of the Society, who filed the unanimous voice of the members without distinction of party predilections, in a memorial to the Legislature of the State, as a perpetual and standing protest against this action, without any reason to hope that the Legislature would attempt to meet the issue then, or to even discuss it.

*Read at the November meeting of the Medico-Legal Society, 1903.

But there was an imperative duty not to allow such action to go unchallenged and without protest.

The memorial of that committee went on the record. I quote from some of the sentences to show what was then the universal feeling of the members of the Society without distinction of party.

The Medico-Legal Society, through its undersigned Committee, begs leave to call the attention of both branches of our Legislature to the present incongruous state of our lunacy statutes, designed for the care and supervision of the insane in State asylums. A radical, and as we hope to be able to show, a most undesirable change in the management of these public institutions, was effected by reason of the extraordinary legislation adopted by the last Legislature, whereby a system which had been in force for over fifty years, and whose wisdom had remained unchallenged during all that time, was suddenly revolutionized by displacing local Boards of Managers and striking at the very roots of the system of public charitable trusts.

Moreover, all our statutes, coming down from the organization of the State in 1777 to the year 1874, had been revised and codified under a resolution of the State Senate of February 13, 1874, by Attorney-General Pratt, a former Justice of the Supreme Court, and Professor John Ordonaux, State Commissioner in Lunacy, which revision had been ratified by the Legislature under the title of Chapter 446 of the Laws of 1874. In the subsequent period of 28 years, experience has both approved and sustained this form of administration for State lunatic asylums, and every Legislature had given its sanction to its continuance, by suitable appropriations and the erection of several new asylums organized upon the same system. Such a repeated concurrence of legislative approval existing without break or impeachment for 28 years, and the adoption of this system by other States, present the most formidable of arguments in support of its wisdom and expediency. Its sudden displacement justly gives rise to doubt as to the safety of allowing the insane wards of the State to be left under this rash and untried system of supervision; a system opening the door to that introduction of partisan politics into our public charities which former Governors, judges of our highest courts, and legislators took pains heretofore to exclude.

We are instructed to protest in the strongest language against this legislation as unwise, pernicious, and vicious to the last degree, as it places our whole lunacy system in the greatest possible peril.

The Memorial, recognizing the importance of combined action, asked for the co-operation of all bodies, or individuals, in the movement, which is an important step in securing a favorable result, and which should be now reiterated and emphasized.

In arraigning the conduct of Governor Odell and his methods, which were in violation of the Constitution of the State, the Memorial formulated certain points which should control legislation. They were as follows:

1. It is the duty of the legislative branch of the Government, and not of the executive branch, to originate laws.

Our Constitution makes it the duty of the Executive to execute the laws, not to originate them, and the present sad condition is due to the violation of this fundamental principle. The Legislature is responsible for the passage of the laws, and when it has suffered its functions to be usurped by the Executive the result is naturally revolutionary, and strikes at the root of the rights of the people.

2. If a Board of Lunacy Commissioners is created and continued by your action, its powers should be advisory only, visitorial, and derivative from the existing powers of a Supreme Court to supervise charitable trusts, and in no case whatever should it have executive power of any kind placed upon it.

This is a fundamental principle, the result of the combined experience of lunacy legislation throughout all enlightened countries.

New York is the only State that has violated it in legislation, and its results have been disastrous.

The example of the Earl of Shaftsbury, who presided more than thirty years over the Lunacy Commission of England, and who was doubtless the best Chairman of such a Commission that ever served, is an example that has been usually followed, that the Chairman of such a Commission, if you retain one, should not be a medical man. There are medical men of executive ability fit for such a place, but they are very rare.

Perhaps no single proposition named in the new legislation was more objectionable than the provision of the law that the Chairman of the Lunacy Commission should be a medical man.

It is but just to Governor Odell to say that he was not the author of this innovation. It had crept into the previous statute by the intrigue of an unscrupulous medical man, who took advantage of a favorable opportunity to continue himself in this position, for which he was wholly incompetent and from which he was compelled to retire by universal consent.

Had Governor Odell been familiar with the history of that legislation, and have had the courage to cut it out of

his bills, it would have been a step forward for which he could have been praised.

The language of the Memorial on this subject was as follows :

The introduction into the New York Statute that the Chairman must be a medical man was a public scandal and a reproach upon its author. If a Lunacy Commission is retained, its duties should be only for thorough visitation, inspection, and advice. The regulations should provide for continuous and thorough inspection and advice only. For any other purpose it is unnecessary, but its members should give their whole time to the duties of visitation, and this should not be avoided or delegated to others.

The Earl of Shaftsbury asserted that the case was rare, indeed, where the advice of a Commissioner was not heeded and followed, and he protested against any further than advisory powers being granted to a Lunacy Commission.

The salient features of the Odell Lunacy Legislation that were most flagrant and vicious were summarized by the Memorial Committee in the Memorial to the Legislature as follows :

The repeal of this feature of the legislation is indispensable to reach solid foundation for proper legislation.

1. Under no circumstances should any official, having any position in the care, treatment, or management of the insane, or in any wise connected with Boards of Directors, or the disbursements of funds, be selected from partisan political considerations, but all such appointments should be made for competency and fitness, and such legislative restrictions should safeguard this principle as vital.

- 2 Each institution should have a Board of Directors, or control, to whom should be intrusted its entire management and the appointment of all its superintendents, assistants, officers, and employees, to which Board they should be responsible alone, and such care should be taken in the selection and appointment of the members of the Boards as to make it impossible that its members should be named for political or partisan purposes.

The impropriety and unwisdom of giving the appointing power of a Lunacy Commissioner into the hands of the Governor, based on the past experience of the State, was expressed as follows in the Memorial :

Past experience would teach us that this power should not be placed in the hands of the Executive, but in the Judiciary, and either the County Judge of the county where the institution is located, or the presiding

Justice of the Appellate Division of the Department of the Supreme Court where the institution is located, should be empowered to appoint, with absolute restrictions, to prevent the appointments being made from partisan or political reasons, and only of those persons who, by education and training, have demonstrated their fitness for the position of member of such a Board should be named.

This Committee, named by the Medico-Legal Society, was composed as follows : Clark Bell, Chairman ; Hon. Jacob F. Miller, Judge Abraham H. Dailey, Hubbard W. Mitchell, M.D., Moritz Ellinger, G. Bettini di Moise, M. D., J. Mount Bleyer, M. D. Of these gentlemen, four were ex-Presidents of the Medico-Legal Society, and were selected without regard to political views of its members.

Among the reasons which cry out loudest for the repeal of the laws thus enacted are :

1. The gross outrage it perpetrated on the various Boards of Directors of the several hospitals of the State. Men who had usefully served the State without charge or compensation and for purely philanthropic reasons for half a century, and had created the State Hospitals, which were and should ever remain a perpetual monument to their patriotic and philanthropic energy, selected from all ranks of our best citizens, without distinction of political parties or religious views—these men were summarily dismissed without a hearing or an opportunity of explanation, and it was done so that a stain was left on their characters and lives, and this of men of the highest standing and social position, of many of whom it might be truthfully said that the Governor was not worthy to even loosen their shoe lachets.

2. Selecting by the Governor of a State officer from strictly party considerations alone to have charge of the State Hospitals for the Insane who knew no more of the practical workings of these great institutions than he did of theology or mental science, was the darkest chapter in the history of the State, and inaugurated a system of keeping the insane institutions of the State where they could be the sport and

shuttlecock of partisan political contests—a spectacle unparalleled in our political history, and fully justified the almost unanimous condemnation which it received at the polls in Greater New York, when more than 120,000 majority against Governor Odell's re-election showed that not less than 50,000 Republicans must have scratched his name off their tickets.

3. No superintendent of an institution for the insane should be for a single moment subject to the will, whim, or caprice of either a Governor or any officer under the control of a Governor. State hospitals for the insane should be managed by local boards of directors, selected entirely outside of any political considerations, and it should be beyond the power of any human being to remove the Superintendent of the Insane of a State hospital, and only for cause by a Board who know all the facts, or who can know it all by inspection and personal inquiry.

It is the duty of this society, and of all its members, to stand firm for the repeal of this most iniquitous legislation, and not to swerve for one instant from their purpose until it is repealed.

If it is the sad fortune of the people of the State to have to wait until Gov. Odell is driven out of the executive chair by the strong voice of popular indignation, it should not give cause or reason for relaxing for one moment any effort until the relief comes, and to the accomplishment of this object all classes of our citizens should be asked to aid.

In the last campaign the Chairman of the Memorial Committee addressed the following letter to each of the candidates who ran in Greater New York for the Legislature :

MEDICO-LEGAL SOCIETY,
OFFICE OF THE PRESIDENT,
No. 29 Broadway.

New York, October 26, 1903.

My Dear Sir.—The Medico-Legal Society memorialized the legislature

of the State of New York at its last session, protesting in the strongest manner against the lunacy legislation induced by Governor Odell as unwise, pernicious, and vicious to the last degree, a wanton disregard of the rights of the insane, and an unfair and unnecessary outrage upon the Boards who had created and managed them without complaint or criticism for half a century, and demanding its repeal.

All the State hospitals and their management, as well as the care and treatment of the insane, have been placed under the administration of public officials, selected and appointed from purely political partisan considerations alone.

The society and its sympathizers regard this as a public scandal and disgrace, and an outrage upon the rights of the insane themselves which should be corrected by the people at the polls, and its members, without regard to past political views, favor the support of only such candidates for the legislature as are in favor of eliminating entirely the selection of any official in any way connected with the care, management, or treatment of the insane from partisan political considerations.

This action of Governor Odell, with other legislation deemed injurious and unfairly discriminating against the best interests of the city of New York, was rebuked at the polls by a majority of over 120,000 at the succeeding election in Greater New York alone.

You are now a candidate for Member of the Assembly, and we ask for a statement of your position and views on this question.

Your reply, with this letter, will be published in the public press and sent to every member of the body.

With great respect,

Yours very faithfully,

CLARK BELL,

Chairman of the Memorial Committee.

To the Hon. ———, candidate for Member of the Assembly.

The report of the committee on the summary of the replies is also submitted, showing that the public sentiment of Greater New York is strongly against this legislation and in favor of its repeal, and the Medico-Legal Society should pledge itself, by unanimous action, to steadfastly persevere, by all honorable means, at the polls and in all other ways, for the repeal of this most obnoxious legislation :

OFFICE OF THE CHAIRMAN OF THE LEGISLATIVE
COMMITTEE, MEDICO-LEGAL SOCIETY,
39 BROADWAY, NEW YORK.

November 2, 1903.

To the Voters of Greater New York :

The enclosed letter was mailed to every candidate running for the legislature in Greater New York on the Democratic and Republican tickets on the 28th of October, 1903.

A large number of replies have been received, but it is not possible to make them public before the polls open to-morrow. They will be printed later and published.

This brief summary of the answers is all the committee can now present to the electors.

The result seems to be most significant.

Not one candidate, either Democratic or Republican, has expressed himself as favorable to the existing lunacy legislation which Governor Odell has had adopted in the State.

Not one Democratic candidate has replied that did not condemn this legislation, many of whom voted against it, and all will support measures to take the management of the insane institutions out of the realm of partisan politics.

Three Republican nominees have replied who did not pledge themselves for the repeal of the Odell lunacy legislation—Messrs. William F. Schwenzer, of the 11th District, Manhattan; Hon. John T. Smith, of the 34th district, Manhattan; and Hon. Ralph Underhill, of the 11th District, Kings; but these gentlemen expressed themselves as willing to give the subject careful consideration. Every other Republican candidate who replied was opposed to the selection of officials to have charge of the State Hospital for the Insane and their treatment from partisan political considerations.

These replies indicate an almost unanimous opinion in Greater New York against the obnoxious legislation, which will be most gratifying to the friends of the insane throughout all the world.

CLARK BELL,

Chairman Memorial Committee.

I recommend to the Society that the committee be continued, and instructed to continue its efforts by all honorable means to secure the repeal or modification of this legislation, with full powers, and instructed to ask the aid of all societies, organizations, or persons who favor the repeal or modification of such legislation.

The Society, after full discussion, adopted the following resolution, offered by the secretary, Samuel B. Thomas, Esq., by a unanimous vote:

Resolved, That the Committee on Legislation be continued, and instructed to continue its labor to secure the repeal or modification of the Odell Lunacy Legislation, with full power, by all honorable means, and to solicit the aid and co-operation of all bodies and persons opposed to such legislation.

WIFE BEATERS AND THEIR PUNISHMENT.*

DISCUSSION OF THE PAPER OF W. H. S. MONCK, ESQ.,
OF THE DUBLIN BAR, BY WILSON MACDONALD,
OF NEW YORK.

Eight years ago I wrote a public open letter, advocating the whipping post for wife beaters. The letter was published in the *New York World*.

I distinctly stated that the "post" should be for wife beaters only, and I desire that to be so understood. And further, it was claimed then, as I contend now, that whipping of an inhuman wife beater was not intended as a punishment, but rather a deterrent, a preventive, with the hope that the cruelty would not be repeated after the penalty was inflicted; that wives should be protected against the wife beater. I have contended, and shall continue to contend, that the infliction of thirty-nine lashes upon the back of a worthless monster is the surest, and, I believe, the best protection for unfortunate wives who are continually beaten by cruel husbands, who disgrace the very name of man. The idea and argument is, then, not punishment, but preventive, relief, and protection! The sentiment or desire to punish is more or less for revenge upon the victim, having the quality of vengeance. This spirit of punishment as a penalty is always wrong. It is a system of jurisprudence among savages. (See "Catlin's North American Indians.")

The spirit of punishment for revenge, then, is not the sentiment of a noble manhood, and should not be an attribute of civilized humanity! We insist, therefore, on the infliction of lashes upon the body of the wife-beater simply and only with the intention of saving the unfortunate woman

*Read before the Medico-Legal Society, New York, October 18, 1903.

who may be the victim of the husband's brutality from its repetition. We desire to save the wife at the expense of the brutal husband. If the lash pains him, we cannot help that ; he was instrumental in bringing about the infliction. He knew the law. His action alone brought about the infliction. He was fully cognizant that if there was a penalty that he could not escape if he violated the laws. He heard the screams of the unfortunate woman as he knocked her senseless on the floor, and as the poor creature struggled to rise he kicked her in the face. There are cases where the mother tried to protect the innocent babe in her arms, but the fiend continued to beat her regardless of the danger to the child.

There was a case in Kings County, near Flatbush, of which I gave an account in the letter I had published in the *World*. An industrious widow woman had a small store, out of which she and her two daughters were making a bare living. She was courted by a man who held out inducements to her, to better her condition, and he finally married her. It was not long before this person, who bore the semblance of a man, destroyed the small business that the wife was doing. He spent what money he could get hold of, and when he could get no more he quarrelled and beat the wife unmercifully. He destroyed the sight of one of her eyes. He was at last arrested, tried, and sent to the Kings County Penitentiary. This fiendish wife beater declared, that when he was released he would destroy the wife's other eye, and he did. And now the unfortunate woman sits in darkness, the victim of this terrible criminal. This case was well authenticated at the time. It may be called an extreme case, but there have been hundreds of cases in the country nearly as bad. It is a common thing in our police courts to read of the judges telling the wife beater, while sentencing the wretch, "I am sorry, said the Court, we have not got the whipping post for such heartless men as you."

It has been claimed by some that the establishment of the whipping post is going back to barbarism, and allusion has been made to Delaware. Well, that State has had the whipping post for more than a century, and has not gone back to barbarism. Delaware has produced as many good moral, intel-

lectual men and women in proportion to the number of its inhabitants as any other State. The crimes in that State, we find, are less, *per capita*, than the crimes and violations of law in our own great State of New York. There is not another piece of ground in our own beloved land that can vie with the island of Manhattan in the number of awful and petit crimes committed right here in our midst. After a residence of nearly half a century in the City of New York, I feel confident that if a whipping post were erected in every ward, there would be a great deal less crime than there is in the city to-day.

The "post" would loom up as a phantom warning, a finger post to the tombs. The petty thief, the fire-bug, the shop lifter, the pick-pocket, would regard it with fear and trembling. The wife-beater would look upon "the post" as a warning to stay brutal hands and feet, while the abused wife would welcome it as a protecting angel.

When I was attending the lectures in the McDowell Medical College of Missouri I saw two large cancers cut from the breasts of two women. This was nearly fifty years ago, when means were not always used, even in important cases. It seemed cruel and heartless on the part of the aged surgeon to carve a human being in that way. I saw this wonderful man McDowell perform his one hundred and twelfth operation for stone. These operations were painful, *but necessary*. The knife was the instrument of torture in one case, the lash the necessary instrument in the others. The operation for the removal of the cancers was to save human lives. The infliction upon the body of the wife beater was to prevent human misery. Revenge was absent in the case of the knife, and so should be absent in the case of the lash.

The first paragraph of Mr. Monck's, the distinguished Irish barrister's, communication is one so mixed that it is with difficulty that one can fully comprehend it.

He says "a man may strike his wife under a strong provocation." In reply to that we say that a wife can never give provocation strong enough to deserve a blow from her husband. But when the husband repeats his outrage upon the defenseless woman, Mr. Monck says he doubts the efficacy of

any of the present remedies for wife beating. Well, we contend that the remedy we propose, if properly and frequently repeated, and by increasing the number of lashes at every infliction, will be a remedy, and the wife beater will cease his cruelty. If he does not, we can stand his inflictions as long as he can. Our fear would be that the lash might give out before we effected a cure. It is astonishing what some men can stand without flinching or giving evidences of pain.

Some of the wife beaters would absolutely smile at thirty-nine lashes. The wife beater is naturally a coarse grained wretch. He cannot feel the pain that a man of fine organization feels. I have known men to have ten or twelve teeth removed without showing the least sign of pain, while a man or a woman of fine nervous organization would faint with pain with the extraction of the nerve root of a tooth.

It was a custom among the Brule Sioux Indians of the Northwest to test the courage and the contempt for pain among the young braves to insert an iron hook into the muscles of the backs of the young bucks, to which they attached a rope, which was thrown over the limb of a tree, and the young brave was suspended several feet from the ground. If no cry of pain escaped from him after hanging for some time he was considered a good warrior. The wild savage seemed to have been insensible to pain, and savage wife beaters may be less insensible to pain than a refined, delicately nerved man. The wild savage, tiger, or leopard hardly know what pain is. It is astonishing to see the hard usage a carnivorous animal can stand without causing death. So that we are really not sure that even thirty-nine lashes on the bare back of a wife beater would cause him much inconvenience. It might have to be repeated many times to have the desired effect.

As far as the arguments in Mr. Monck's paper regarding the effect upon the morals and good behavior of the citizens of Delaware is concerned, that is another matter, and has but little to do with the prevention of wife beating. Therefore we shall pay but little attention to it.

Mr. Monck seems to argue that notwithstanding the presence of the whipping post in Delaware he does not see that

it prevents crime. Surely no accomplished lawyer should put forth such a statement as this.

There are laws and penalties against stealing, robbery, and murder in New York, but, notwithstanding, stealing, murder, and robbery still exist, and doubtless will continue. But we are quite sure if there were no laws or penalties against these crimes there would be more violations than there are now.

Mr. Monck continues. He says :

“ But I think wife beating is less amenable to this kind of check than most other offences. The offence is usually committed in a moment of passion—rendered violent by drink on the one part or provocation on the other—without much of any thought about the consequences. If a law for flogging wife beaters were passed, men would often forget all about it until the assault was over. Then the man who knew that his wife could have him flogged would perhaps ask her forgiveness and beg of her not to prosecute, and perhaps [yes, perhaps ; perhaps not.—W. M.] conduct himself better for some time to come if she let him off. But if she refused all overtures and insisted on having him flogged, it would probably be thenceforward a case of ‘ war to the knife ’ between them.”

Mr. Monck’s regards and sympathies seem to be entirely with the man. He must be different from his countrymen in this respect, who are known in almost every walk of life to be more kind and considerate of the ladies than the men of any other nation. It may be that he takes sides with that ancient tramp who essayed to teach the Romans how they should regard women. For my single self, I am for the woman as against the man, and especially where there is violence, for in nine cases out of ten the woman is right.

It has been claimed by some that the presence of the whipping post was an evidence of the decline of civilization and a return to barbarism. We submit that the continued practice of wife beating in any community is stronger and more unanswerable evidence of barbarism than the presence of the whipping post for wife beaters.

We should, by all means, petition the Legislature of the State of New York to pass a law establishing whipping posts

for wife beaters in New York, Kings, Queens, and Richmond counties. There are at least four millions of inhabitants in these four counties, nearly one-half the population of the State.

The erection of the "posts" for wife beaters in these counties would be an unmistakable evidence, not of barbarism, but of a higher civilization ; there is no surer standard by which to judge the enlightenment and advance of a nation than by its treatment of woman. Barbarous nations, many of them, treat their women as slaves and as inferiors. The erection of the "posts" in America would be the signal to all other countries, and many doubtless would follow.

WIFE BEATERS AND THEIR PUNISHMENT.*

BY CLARK BELL, LL. D., PRESIDENT OF THE MEDICO-LEGAL SOCIETY.

DISCUSSION OF THE PAPER OF W. H. MONCK, ESQ., OF THE DUBLIN BAR.

On March 17th, 1899, the Honorable Simon E. Baldwin, of the Supreme Court of Errors of Connecticut, read a carefully prepared paper entitled "Corporal Punishments for Crime," before the Medico-Legal Society, in which he reviewed the whole subject of punishment for crime, and illustrated the error of substituting imprisonment for crime instead of the ancient corporal punishment, and urged the restoration of the whipping post as one advance step in our civilization over the entire and acknowledged failure of imprisonment for all grades of crime.

Judge Baldwin strongly urged the restoration of the cat in the place of imprisonment in certain classes of cases, citing cases when the latter was concededly an utter and an entire failure. Judge Baldwin said :

"I do not hesitate to avow my conviction that whipping would often furnish a mode of punishment far more appropriate than fine or imprisonment for minor offenses, and a useful addition to imprisonment for graver ones."

In support of his views he quoted the great increase in homicides in France, cited by the French physician in charge at the prison hospital at Toulon, at the abolition of

*Read before the Medico Legal Society and Psychological Section, October, 1903.

punishment accompanied by torture, who quoted the saying of the convict who had been sentenced to fifty lashes : "Ah, that is worse than fifty strokes of the guillotine." One suffers during it, and after it too."

L'Auvergne on les forcats 215.

Judge Baldwin did not limit the propriety of the use of the cat to wife beaters. He went far more deep into the fundamental error we committed as a nation when, at about the end of the first third of the last century, we substituted, in many American States, imprisonment, in all cases, as he urged, most thoughtlessly and unwisely, for the lash. He closed a very strong paper as follows :

As we review the subject, and compare theory with experience, sentiment with facts, we must, I think, own that there is much to be said for the system of corporal punishment so hastily abandoned in this country during the first half of the nineteenth century.

I noticed the other day that the grand jury at the Warwickshire assizes in England had recently made a presentment in favor of flogging for criminal assaults on women and children. Public opinion is gradually shaping itself towards that end, I believe, on both sides of the Atlantic ; and other States, in my opinion, might do well in ranging themselves by the side of Maryland in bringing back some such remedy for the more effectual support of the weak against the strong, and of the juvenile offender against himself.

I believe that President Woolsey was right when he said that the only theory of criminal punishment which rested on solid ground was that to punish was to give the offender his deserts, and that government had a right to use its power for that end.

But if we were to accept the sentimental or humanitarian position, that the right to punish rests on the duty to educate the ignorant and reform the vicious, I should none the less insist that whipping was, for many cases, the best incentive to education and reform. He who has learned to refrain is half reformed. A whipping has a very direct tendency to teach a man to refrain from whatever is likely to entail another punishment of the same sort.

To psychology and physiology, to medicine and law, this is one of the known lessons of life. May not the disciples of these sciences wisely lend their aid to make it again a lesson to be taught, and taught effectually, to those whom a mistaken humanitarianism has allowed to forget it ?

I had the honor of contributing to the discussion of that paper and the whole subject of corporal punishment for crime at that time.

I said in that discussion, among other things :

The problems involved in a discussion of the question of the best methods to be adopted in punishment for crime has ever had a vital and intense interest to the student of Penology as well as to the Legislator, and all who investigate the social conditions of the race.

The main question involved, in the proposition of the eminent jurist, Judge Simeon E. Baldwin, of the Supreme Bench of the State of Connecticut, to restore the lash as one of the best, most efficient, and most humane on the list of punishments, particularly for lesser crimes and misdemeanors, is one of absorbing interest.

We are confronted with a condition which demands our most careful study, closest analysis, and the wisdom of the ablest thinkers of the time.

It is almost universally felt, and most generally conceded, that fine and imprisonment in dealing with the class of minor offenses, which are largely due to drunkenness and the abuse of alcoholic drinks is almost a failure and that a careful revision of our present system of punishment is the crying want of our time. The drunken father, who has beat his wife, while intoxicated, and who has been sent to the Island, leaves behind the wronged and abused wife and family, wholly dependent upon him for support, destitute, and often in a worse condition than the prisoner who is sentenced; for he has enough to eat and drink, and has clothes and shelter, and is kept warm in the coldest winter.

Of all the train of petty crimes that are due to intemperance, it is doubtful if the punishment now inflicted is adequate, or in any sense wise. It is doubtful if it has such deterrent effect, and probably in the majority of cases has not in the slightest such a result.

In the discussion the Chief Justice of Delaware, Hon. Charles B. Lore, the Chancellor, Hon. John R. Nicholson, and Judge Ignatius C. Grubb, one of the Justices of the Supreme Bench of that State, participated, as did John T. Dolan, Esq., chief-of-police of Wilmington, Delaware, in which State the whipping post has never been out of service; and the defense of these high public officials of the cat as the most useful, beneficent means for the prevention of crime of all grades in the State was remarkable, and excited great public interest :

Chief Justice Lore said :

The pillory and whipping post thus inherited from the mother country in colonial times have been retained in Delaware's criminal penal system until the present time; the pillory being used only in a few cases of the most heinous crimes, but the whipping post in cases of felony generally. the highest number of lashes now given in any case being forty. In colonial days, and for a long time thereafter, whipping was an almost universal element of punishment in the mother country and in the col-

onies and States ; while it has been abandoned by nearly all other States, Delaware has found it to be most efficient, and has kept it upon her statute books.

The second, and perhaps controlling, reason grows out of the test of experience, that the whipping post is the most efficient deterrent of crime known to our laws. It is the most dreaded of all punishments, and in applications for mitigation of sentence the prayer almost invariably is for the remission of the whipping. It appeals to brutalized nature as no other punishment does, and has made and kept in the past the criminal classes of Delaware relatively small in number.

Experience teaches that the whipping-post has kept criminals out of this State, and has tended materially to keep persons living in the State from the commission of crime. Nothing acts upon the perceptions and motives of a brutalized man like whipping. It is the application of his own medicine, and frequently cures the patient ; at least it holds him up to, and reflects himself in, his own mirror, and works effectually upon his fear, if not upon his conscience. I firmly believe in the reforming influences and power of love and of gentle treatment, rather than of fear and of harsh punishment, but there are certain natures, some, it may be, ir reclaimable, whose consciences and conduct can be best governed by the application of the rod. To such the Biblical doctrine, "Spare the rod and spoil the child," still applies. The whipping-post has provoked much hostile criticism. Much of it, however, is founded in sentimentality. As a matter of fact, the punishment is never accompanied with much physical suffering ; our sheriffs are, ordinarily, humane men. The sting is in the public disgrace and ignominy of the whipping, and in this line lies its efficiency. Delaware has found the whipping-post not only a necessity growing out of her position, but also the most effective preventive of crime, and for these reasons, among many others that might be mentioned, has continued its use. Yet I think it may be safely said that the average Delaware man and Delaware woman are as broadly humane and rightfully sympathetic as other classes of cultured Americans. The man who beats his wife or loves to indulge in whipping others is best punished, and most likely to be reformed, by the application of his own method of punishment. This at least has been the experience of Delaware ever since 1752, now nearly one and a half centuries.

The Chancellor, Hon. John R. Nicholson, said :

I think I can assure you that there is no danger of the speedy abolition of the whipping-post in Delaware. It has stood the storm of Northern humanitarian hysteria too long. It is true that some legislation is needed in regard to the class of offences to which it applies—limiting on the one hand and enlarging on the other. This, I trust, will be done intelligently.

Had I the leisure it would give me great pleasure to express my views freely upon the "whipping-post," inasmuch as I have had the discussion of it perpetually forced upon me ever since I was a college boy at New Haven, and since then I have acquired some special knowledge of the

subject in consequence of having served my State as Attorney-General, and reviewed the melancholy procession of vice and crime on its way to that venerable institution.

Judge Grubb, after long experience on the Bench of the Supreme Court of the State, after an elaborate historical sketch of the use of the whipping-post, said :

Whipping has been in vogue in Delaware, as a punishment for crime, from its earliest colonial period. That in the general judgment of our people, based upon this long experience, it should be maintained is, I think, incontrovertible. An effort was made before our late Constitutional Convention, in 1897, to have it abolished, by those who earnestly opposed it, on sentimental grounds chiefly. But the convention, which must be presumed to have represented the general view of our people, paid little heed to these opponents and disregarded their application—wisely leaving the matter to the legislative discretion in the future. Surrounded, as our small State is, by the vicious classes and expert criminals of several large and populous cities within short traveling distance, our whipping-post has certainly, in the opinion of our officials and citizens generally, very materially and effectively preserved Delaware and her citizens from their mischievous and perilous incursions.

After a personal experience of thirteen years upon our State Bench, I have become convinced that, in its practical operation, the punishment of a certain class of criminals by whipping is, under existing circumstances, a needful economical, and effectual means of preventing or restricting the commission of certain crimes in Delaware. Without it, many serious and some heinous crimes would be of far more frequent occurrence, to the increased peril of her people and the enhanced cost of her government. And while it is thus needful and advantageous to the State, it is by no means clear that it is useless and detrimental to the criminal, as is so often contended by humanitarians who seem, in the light of actual experience, to be more sentimental than practical.

While in this State the number of offences punishable by whipping may in time safely and properly be diminished, and other humane modifications made in the employment of this remedy, yet in its actual exercise here it is not, to either the convict or the observer, the brutalizing institution which the fancy of the present or absent, especially the latter, sensational newspaper writer or artist has so often depicted.

The Hon. John G. Shortall, President of the Humanitarian Society of Chicago, in his contribution to that discussion said :

I am am very confident that the judicious infliction of physical pain by whipping would greatly diminish the number of offences committed by youths under twenty-one years of age. I would advise such punishments to be made without eclat and in the presence of but very few persons (who should all be present officially and should include a physician).

I would include among those so punishable (always in the discretion of

the Court, however,) wife-beaters, assaulters of very young girls, and all habitual criminals, and particularly all cases of robbery or attempt at robbery accompanied by violence—*these certainly*.

I believe the effect of whipping—the infliction of physical pain—in all these cases, and undoubtedly in many other, to be not only more *humane* and *efficient*, but that it would frequently deter the subjects from a further life of crime, it being the only punishment to which their consciousness would readily respond, and through which their sense of obligation to society could be aroused.

In all cases I would have the infliction of such punishment, as I said, brief and inflicted with a humane and paternal motive, namely, reformation.

A large number of eminent and distinguished people participated in that discussion, among whom were Edward Fowler, Fire Commissioner, of Laurel, Del.; Hon. Samuel D. Davies, of Richmond, Va.; Z. R. Brockway, Superintendent of Elmira Reformatory; Hon. Frank Moss, Police Commissioner, of New York; Judge Claire A. Meade, of New York; Hon. William Pryor Letchworth, of the State Board of Charities of New York; Dr. Montague R. Levenson, Dr. John B. Williams, of Maryland; Judge Thomas F. Wentworth, of New York; Hon. George R. Gaither, of Baltimore; Rev. Phebe A. Hanaford; Rev. Antoinette Brown Blackwell; Nelson MacDonald, of New York, and others.*

Mr. W. H. S. Monck contributed a paper to the discussion of the subject in opposition to the views of Judge Simon E. Baldwin, which may be found at length in Vol. 17, No. 3, of the *Medico-Legal Journal*, p. 267, which was a valuable contribution to the subject.

The so-called humanitarians assailed the views of the several speakers, some of whom, like Wilson MacDonald, only asked it for wife beaters, but its usefulness must be greater in the case of youthful offenders, who might thus be rescued from a life of crime by the judicious use of the cat at a crucial period in the life of a boy.

Mr. Monck now reopens the discussion as to wife beaters

*Vide Vol. 17, No. 1, *Medico-Legal Journal*.

and their punishment. He introduces into the discussion a subject that seems to me to have no relation to it—the apparently growing tendency for lynching negroes for a particular crime involving violence towards woman.

I can not see how that subject is germane to the question at issue.

No one can defend the burning of the negro at the stake for a crime against the honor of a woman. All the sad catalogue of lynchings for this cause has been nothing in common, in any way, with the virtues of the wife beater, and are not germane to the case at Bar. Lynchings are entirely in violation of law, and are wholly indefensible.

Not a member of this body would be unwilling to so decide.

Mr. Wilson MacDonald has limited the civilizing effect of the cat to wife beaters only.

I think if it could be used beneficially and humanely on youthful offenders it would be cruel, unwise, and most unfortunate to deprive them of its refining influences.

Under the English system the judge has a discretion in cases of petty larceny and lesser crimes and misdemeanors to substitute stripes for imprisonment.

An English lawyer told me of a case coming under his eye of a judge who suspended a sentence by allowing the father of the boy to apply the whip in the presence of the judge.

It would be the highest exercise of mercy and humanity in a judge that would, while asserting the majesty and supremacy of the law, save a young boy who had committed a petty theft from the degradation of the contamination of common criminals in a jail.

It might be the salvation of a human soul.

The rod in such a case is the savior of the boy.

The prison pollutes, degrades, and contaminates him, and he can never erase the stain or the stigma. It is said that God chasteneth him whom He loveth. An enlightened,

humane, and philanthropic commission, in recommending a reformation of our laws for regulating the punishment of a large class of minor offences that would in the discretion of the court substitute the cat for the prison, would be the saviors of thousands of the youth of our race.

I would draw a line between the youthful and the first offender and the wife beater.

I would in mercy suspend the rule in the case of a man who struck the wife whom he had sworn at the altar to love and to protect, and let the law chastise him with stripes, as the best, most humane, and certain means of restoring him to a consciousness of his degradation, and opening a merciful door, through which, by the shedding of his own blood, he may find not only a remission of his own sin, but a means of salvation.

I am unable to find any record of one white man who has ever come back to the whipping-post for beating his wife. If we had it in Greater New York applied to wife beaters only, as an experiment even, it would wipe out from our criminal courts the crime of wife beating as an offense. The first man whose back was bared to the cat for beating his wife would inaugurate the disappearance of the crime, and the whipping post become an object of veneration and approbation in our esteem for the great boon it had conferred on womanhood in the metropolis of the American Nation.

I submit the communications of Judge Simon E. Baldwin, of Connecticut ; Judge Charles G. Garrison, of the Supreme Court of New Jersey ; and Dr. Dunstan Lewis, of Chicago, to the discussion, and some newspaper reports of recent cases illustrative of the worst phases of this crime.

INTERNATIONAL CONGRESS ON TUBERCULOSIS.

TO BE HELD OCT. 3D, 4TH, AND 5TH, 1904, UNDER THE AUSPICES
OF THE UNIVERSAL EXPOSITION, ST. LOUIS, AND OF
THE AMERICAN CONGRESS ON TUBERCULOSIS.

The Committee on Organization of the International Congress on Tuberculosis appointed by the Hon. David R. Francis, President of the Universal Exposition, St. Louis, 1904, met at the Press Club in the city of New York on the 11th day of November, 1903, and took the preliminary steps to organize an International Congress on Tuberculosis.

Nearly every member of the committee was present or represented by proxy. It was unanimously resolved to organize an International Congress under the following name : "American International Congress on Tuberculosis, to be held October 3d, 4th, and 5th, 1904, under the auspices of the Universal Exposition, St. Louis, 1904, and of the American Congress on Tuberculosis."

The present officers of the American Congress on Tuberculosis were, with a few changes and exceptions, elected to the corresponding offices in the American International Congress on Tuberculosis.

It was unanimously resolved that the Congress be open to the legal, medical, and all other professions, judges, philanthropists, scientists, statesmen, legislators, and all citizens interested in averting the ravages of the dread disease, and that they be invited to co-operate and become members of the body.

All the Standing Committees as organized in the American Congress on Tuberculosis were made the Standing Committees in the International Congress.

The same power, authority, and duties that had been con-

ferred upon the Board of Executive Officers in the American Congress on Tuberculosis, and upon its council and management, were adopted and conferred upon the same officers and committees in the International Congress.

The Board of Executive Officers were instructed to extend invitations to eminent citizens, societies, and organizations, both at home and abroad, to co-operate and unite with the International Congress, who are in sympathy with its aims and objects.

The dues of members for the year 1903 were fixed at the sum of one dollar.

All members of the American Congress on Tuberculosis who had paid their dues were, by unanimous vote, made *ipse facto* members of the International Congress, and all members hereafter enrolling in the Congress were entitled to receive the MEDICO-LEGAL JOURNAL (Vol. 21), which is the organ of the body and contains its proceedings, at half price, \$1.50, payable in advance.

It was moved and carried that the Board of Executive Officers take into consideration the propriety of increasing the number of the honorary Presidents of the American International Congress on Tuberculosis and report their conclusions at a future meeting.

It was unanimously resolved that the propriety of inviting delegates from other governments outside of and beyond the Western Hemisphere to the Congress be referred to the Board of Executive Officers, with power, and that they report their action and recommendations at a future meeting.

It was resolved that the organization of the Standing Committees on the same plan and basis as that adopted by the American Congress on Tuberculosis be referred to the Board of Executive Officers, with power, and that they be instructed to report their action on the same at a future meeting.

It was further unanimously resolved that the Board of Executive Officers were authorized and empowered, in their discretion, to make any changes in any of the officers and committees of the American International Congress on

Tuberculosis as they deem, by unanimous action, to be for the best interests of the body in the accomplishment of its mission, and to that end they be empowered to make such changes, by unanimous action, in the autonomy of the Congress and basis of organization as they should see fit at any time to adopt by unanimous vote.

It was moved and seconded that the Chairman of the Committee, the President of the Congress, and the Secretary of the Committee on Organization be named a committee, with power, as to the advisability of increasing the number of the membership of the Committee on Organization, with a view of having it more representative in character of an international body.

The Chairman of the Committee on Organization laid before the committee a communication from Howard J. Rogers, Director of Congresses, informing the committee that Surgeon-General Nicholas Senn, of Chicago, Illinois, and Dr. Thomas Darlington, of New York, had been added to the Committee on Organization.

This action was approved by the committee, and Dr. Darlington took his seat in the committee.

The committee elected as its secretary, Thomas Darlington, M. D., and as its treasurer the chairman, Clark Bell, Esq.

CLARK BELL,

Chairman Committee on Organization.

D. J. BARRICK, M. D.,

President.

THOMAS DARLINGTON,

Secretary Committee on Organization.

EXPERIMENTS IN TELEPATHY AND HYPNOTISM.*

BY EDITH MCCLELLAND, B. A. PS. D.

A friend, Mr. M——, in New York City, asked me last winter if I would assist him in some telepathic experiments, as he knew nothing about it, but was anxious to try, that he might satisfy himself if it were possible to communicate at such a distance (New York and Chicago).

I agreed to assist him, and we arranged to sit for concentration between nine and ten P. M., Chicago time.

The evenings we decided upon each week as best suited us. Our experiment was as follows: I asked Mr. M—— the planet under which he was born, and he said:

I will try to send you the name of my planet. I will write out and place before me my birthday, the zodiacal sign, the name of the planet, writing the number of the planet in our solar system, writing the number large, and in black ink. I will try, also, at the same time, to concentrate my mind on what I have written. Try to see what I am looking at and hear what I am saying to myself.

Yours hopefully,

R. B. M.

October sixth I saw Mr. M—— sitting at a table with a very bright light shining down on a piece of white paper, which he held in his hand. There was a circle on the paper, and something written which looked like J. Also S. and E.

The light was afterward turned down, and I could not see anything more. I became very tired—had a pain in the back of my head, and yawned several times.

I saw scenes with which I was totally unfamiliar; they changed rapidly, and I thought that they were in the mind of Mr. M——. He seemed not to be concentrating. This letter I received from Mr. M—— in a few days afterward:

*Read before the Psychological Section of the Medico-Legal Society, New York. Nov. 18, 1903.

NEW YORK CITY.

I sat with paper, as you described, at my smaller table, the very bright light of my study lamp falling upon the sheets. I had a heavy, sleepy headache, with pain in back of my head and neck, and yawned quite frequently. I did not concentrate for long, and soon turned down the light, which hurt my eyes. Miss —— came over to talk with Alice (my ward) about their trip to Niagara Falls, which comes off to-morrow, and the various things they hope to see. This chat was all about travel and scenery, and though they sat in the dining room, I heard most of it up here. It disturbed my mind more or less.

Now, what I wrote was only a scrawl, because I only wrote at all in order merely to be sure to have my mind fixed on the subject. Had I thought of you as a visualist observing things, I would have been careful to write legibly and also to keep the paper in plain view. * * *

I felt sure the experiment had been a failure, and I tore up the papers and consigned them to the waste basket. Finally came your letter, with contents, to me, most surprising. * * * You saw the paper, bright light (afterwards down), you had pain in back of head, yawning, etc. You saw scenes unfamiliar (Alice's talk); further you saw J (Jupiter), a big S (Sagittarius), and a circle; and you saw an E. This was not on the paper, but a 5 which might readily be mistaken for one.

Yours,

R. B. M.

The next experiment we tried I was the sender. I held in my hand three playing cards, Ace of Diamonds, Queen of Clubs, and Ten of Diamonds, I wished Mr. M—— to see. Shortly before the time was up I found it impossible to concentrate longer.

I was feeling terribly "blue;" a dear friend of mine had just lost her husband, and I felt her distress keenly. Another dear friend was lying seriously ill, and these troubles so affected me that I could not possibly keep my mind on the telepathic work, so I got up and took down my hair, combed and arranged it for the night. I stood, most of the time, before the mirror. I tell you this, so that you may see how it affected Mr. M——, who was still concentrating in New York, the time for sitting not being over.

NEW YORK, Jan. 2d, 1903.

I was far from well, also my mind was truant to my will, and would not go to school. I did see what I thought was a ten spot in red. The Jack of Clubs would keep before me, although I felt that he was an intruder. The aces came and went, but none gave me distinct impressions of having a right to be there. My guess would have been Jack of Clubs [it was Queen of Clubs], some ace [Ace of Diamonds], and a red ten spot [Ten of Diamonds]. I did not once see you clearly, but four or five times I succeeded in perfect concentration for just a minute. Now

listen, so often as I did this, I saw a small figure with hair down, or something draping head and shoulders. Generally the figure was standing. Each time I received a sort of shock which I cannot describe; there was a creeping about my head, cold shivers passing down my spine, and a feeling of something horrid. I thought some one was sending me a message of terrible grief or agony, or despair, and that the sender was not you. It was some one in trouble, a woman with thin face. * * * (The friend who had lost her husband is slight with thin face.) I could not recognize it, but it came every time that I felt I was in communication. The experience was a nerve-racking one, I assure you, and, I hope, will not be repeated.

Your friend,

R. B. M.

Mr. M—— suggested that our next experiment be entirely different. I will quote his letter :

I will strike my head just above the lobe of my right ear, on the temporal bone, with the finger tips of my right hand. I will strike once, presently again, and then twice (one—one—two). I will do this frequently during a half hour. I will think of you and try to project a thought impulse your way. Do you also the same. Let us both expect and keep all parts of the sensorium alert, watching or listening or feeling for the signal. Between sending times we will be passive.

R. B. M.

Chicago, Feb. 17th, 1903. After sitting a few minutes I tapped my head with my finger tips just back of the right ear. In about half a minute I felt and heard distinctly a tapping or electric snapping in the place where I had tapped. It came three times, but did not come again that evening. Other evenings I tried the same thing, and the electric snap came but once again. This is what Mr. M—— wrote after the experiment :

NEW YORK, Feb. 23, 1903.

While I have nothing definite to report, I feel, at times, there is a sort of communication received by me. Last night I was quietly reading when I felt a "pull" westward. It was eight fifty P. M. I tried to respond at once, and tried till nine twenty P. M. I was surprised when I looked at my watch to notice the precise time, because, at nine twenty I felt that all was over. Perhaps to me it was imagination, but during the time of concentration something seemed to murmur or sing in a very faint way in my brain. It was like a chirp of insects, only refined to almost a silence. Occasionally it seemed like a soft rhythmical whistle through a glass tube. Just before closing, however, I thought I heard three or four sounds distinctly. They were not snaps in any sense. On the contrary they were soft, low bass notes, as though blown softly through a toy trumpet. These notes were rhythmical, and not almost continuous, as the murmur had been. They were emphatic, like the "last word, and thereafter all sensation as of psychological communication ended.

R. B. M.

I made some experiments in hypnotism and suggestion with a Mr. J. P——, of this city. He is greatly interested in hypnotism, and wanted me to put him under control, which I did. When in the hypnotic state he is a good psychometrician and clairvoyant.

On January 3d, 1903, I hypnotized him, and after a number of tests I told him that he would take a walk the next day between two and three P. M. The next day at that hour I also sent him the mental message, stating that he must get his hat and go out of the front door in the direction of the nearest corner. While concentrating I saw him leave by the back door. I tried to impress him to come back and go out of the front door, but he hurried out. His place of business is between four and five miles from my home, where I sent the message. That night he called to see what I wanted him to do, as I had told him I would send him a telepathic message between two and three o'clock. I said, "What did you do to-day?" "Nothing," he replied, "I felt that you were trying to compel me to do something, and I determined not to do anything, so I sat down to rest, but I could not sit still, I felt so nervous. I just took my hat and went for a walk." At this I laughed, and told him it was just what I wished him to do. He looked quite surprised, as he thought he had a good joke on me. I then asked him at which door he left the store. "The back door," he answered. "If I had gone out the front door all the fellows would have asked me why and where I was going, and I slipped out."

On January 22d I again put Mr. J. P—— under control. I held a playing card in my hand and above his head, where the light fell directly upon it. I asked him the denomination of the card. In a few minutes he said, "It is black—spades—four," which was correct. I next held a hand-painted cream pitcher. He said, "It is glass—colored green—it is different colors—round, with a hole in the top." All correct, except its being glass, it was China. He did not name the article. I then asked Mr. J. P—— to visit the house of a lady whom he did not know, nor was he acquainted with the neighborhood in which she lived. He described the house perfectly, except the number 9 was all

he could see. The house number was 2459. He then entered the house, and described accurately every piece of furniture and its position. He also saw the lady, describing her personal appearance and the dress she had on. I ascertained afterward that she had worn the dress that evening, and had sat in the place Mr. P—— described.

PREGNANCY AND CRIME.*

A MEDICO-LEGAL STUDY.

BY CHARLES GREENE CUMSTON, M. D., EX-VICE-PRESIDENT OF THE
AMERICAN ASSOCIATION OF OBSTETRICIANS AND
GYNECOLOGISTS, BOSTON, MASS.

The genital functions of woman have a marked influence on the moral condition at all their stages. With the first appearance of the menstruation organic and intellectual disturbances arise, the first being disordered digestion and divers forms of neuralgia, while the second show themselves by low spirits, melancholia, and a tendency toward suicide. Up to this time the organs of reproduction have remained in a kind of apathy, participating little, if any, in the general sensibility of the female. But from this time on, the uterus becomes the seat of an intense concentration of excitability, which appears to attract all the forces of life towards it. As the great Van Helmont has said, "*Propter solum uterum, mulier est id quod est*," that is to say, an essentially nervous being.

At their first appearance the menses form a true diseased condition, which is sometimes indicated by various acts promoted by lying and ill feeling. In a celebrated case, which occurred many years ago, in France, a young nursery maid thirteen years of age, killed the child for whom she was caring. The physician who was ordered to examine the criminal, found that she was menstruating at the time of the crime, and the jury rendered a verdict of not guilty, on account of the medical decision, which showed that there was a disturbance of the will power which suppressed the free will of the individual, and consequently relieved her of all criminal responsibility.

Now, in pregnancy, the uterus becomes still more markedly

*Read before the Medico-Legal Society, October meeting, 1903.

the center towards which the action of the general sensibility becomes directed, and although gestation constitutes an essentially physiological phenomenon, it is, nevertheless, nearly always accompanied by a general disturbance which attacks all the functions of the organism. It is not exactly what can be called a morbid condition, but often times the temporary morbid feelings which accompany it become more marked and prolonged, so that this physiological act may place the subject in a condition bordering on true disease. The uterus, which is increasing both in size and weight, produces a permanent condition of fatigue. It presses on the iliac vessels and retards the return of the venous blood to the heart, while at the periphery it keeps up a venous stasis which is denoted by a bluish tint of the feet and hands, as well as by the appearance of varicose veins of the lower limbs. The cerebral circulation becomes less active, and the patient will frequently complain of headache and a tendency to faint.

When the uterus reaches above the umbilicus it presses on the diaphragm and prevents the expansion of the thorax during respiration, which act is greatly hindered, resulting in an insufficient quantity of oxygen entering into the blood and an accumulation of carbonic acid within the system.

The digestion becomes abnormal because the pregnant uterus, from the beginning of gestation, has a direct sympathetic influence upon the gastro-intestinal functions. Generally speaking, the pregnant woman digests badly, and this dyspepsia may result in anemia. The composition of the blood becomes changed, and is loaded with toxic products, and if the liver or the kidneys are at all diseased severe functional disorders will arise. They present themselves in the form of a series of nervous symptoms running from a simple malaise up to the most grievous derangements, from a slight change of character to serious mental affections.

The pregnant woman at this time possesses a more delicate and sharper sensitiveness. Her imagination becomes exalted, much to the detriment of her judgment, while the will and the passions are markedly modified. A kind of animal instinct reigns over women at this time, so that the slightest causes of excitement may, in many instances,

result disastrously. In many cases we find these unfortunate creatures possessed of the most ridiculous desires, with tastes as changing as they are peculiar, and even women who are the most reasonable and possessed of considerable will power will often show a number of capricious fancies, as well as the most extravagant irregularities of their sentiments. Reason vainly tries to regain its empire, and is in reality a dethroned monarch whose power has become disregarded.

The gentleness and kindness of character often disappear, and the patient, sometimes giving herself up to antipathies or to most singular aversions, will often see her love for the most cherished ones change to hatred, or she may even succumb to the most bloody desires, her reason being unable to triumph over her.

In strong females, those rare specimens of humanity who show no nervous predisposition, the changes produced by pregnancy are hardly, if at all, evident. The functions of pregnancy take place without producing any important disturbance. But the greater number of women do not present these resisting powers, and it is well to point out some of the causes of the present day which react badly on the female organism, producing that nervous excitement which pregnancy only exasperates.

Women do not reason, and they only understand those things which touch the heart directly. They have little conviction, and chiefly affections and tendencies. Being avid for emotion, they seek it everywhere, and the present education of young women furnishes them with an abundance. Young women go to the theatre to see the morbid up-to-date society play, and there receive their first lessons of immorality, and open their hearts to the soft joys of passion. At the theatre they see the amorous intrigues of the soft-voiced tenor and the tender equipées of the young leading man. They return home and are seized with a vague desire to love. Before the lying scenes of the play, which is not real life, their sentiments become exalted and unnatural. It is at the play house that women become initiated in all temptations which beset the human heart, in all the secrets and in all the tricks of passion. There she has revealed to her how

one is seduced, and how one succumbs to her seducer, how to deceive her husband, and other equally profitable lessons.

How can it be reasonable to believe that the young girl remains indifferent before burning scenes of tenderness, and of amorous despair? On the contrary, her imagination becomes exalted to such a point that she has no longer any repose, and sleep becomes disturbed with more than suggestive dreams.

On the other hand we have the up-to-date novel, which all well-bred young women devour, sometimes openly, sometimes in the silence of their boudoirs. In order to be in the social train the young woman of to-day reads, without shame, all forms of immorality, presented with art in some cases, in others with a crudity which is heart-rending, and follows the scenes of *débauche* described with the utmost care and detail by the author. Saturated with this unhealthy literature, the sensual passions of woman can only be increased and rendered dangerous.

To what has already been said of the drama and the literature of the present day, we may add three other causes of debilitation in the human race, namely: syphilis, alcoholism, and tuberculosis. The wealthy female is also weakened by her luxurious and lazy mode of life. She is rendered nervous by late hours, and the incessant emotion with which she is generally fed by the theatre and the novel; and in many instances more stimulation is required by the daily glass of some liquor made in a French or Italian monastery, and often, also, a small hypodermic injection of morphine.

With the poor women the causes of nervous troubles reside in a too intense life, as well as to the thousand and one preoccupations in the struggle of existence in a more or less unhealthy dwelling, accompanied by an insufficient and defective nourishment. Under these conditions pregnancy, both among the rich and the poor, becomes a dangerous function, which causes profound changes to take place in the organism, and wakes up and exasperates nervous tendencies which nearly all women foster, and from this arise disorders of the intellectual and sensorial faculties. In

order to make them more clear these disorders may be divided into three groups.

In the first group may be included slight disturbances which manifest themselves by certain peculiarities of character and a change of humor occurring rapidly and without any explanation. The greatest joy may suddenly change to a doleful sadness without any motive, and the woman gives herself up to the most extravagant capriciousness. Taste may become slightly perverted, and the patient seeks highly spiced food or slightly acid fruits, things that she would never eat when not pregnant. Neither reason nor will are in any way changed, but, nevertheless, the patient will tell you that she would act under the impulse of her taste or her desire, were not her will force strong enough to resist it.

In the second group both judgment and will power are partially affected, and under these circumstances a woman will do what she should not do, for the simple reason that she does not understand what she is doing, or because she is unable to control herself, and in this category may be placed the famous question of desires of pregnancy. It is generally admitted that pregnant women often possess a true perversion of the appetite, and the articles of food which some women crave are most astounding. Now, although these women have no true disorder of the intellectual faculties they are, nevertheless, governed by irresistible desires. They are fully aware that these desires are abnormal, and still, without any motive or interest, they give themselves up to the morbid passion which dominates them.

The moral disturbance is quite limited, and only attacks isolated points of intelligence and sensibility. There has been a very interesting case reported where a woman became hydrophobe during the first four months of each of her pregnancies, which reached the considerable number of eleven. As soon as conception had taken place she drank only small amounts of water, and little by little her horror for liquids reached such a point that the unfortunate woman abstained from taking any drink, and could not even bear its sight. In another case a young woman pregnant for the first time was seized with a dislike for her husband, whom she had always loved, and it was with much difficulty that

she was able to control herself. In another instance, a young woman, pregnant five months, suddenly felt such an aversion for her house that, after many unsuccessful attempts, and in spite of all her reasoning powers, she was obliged to leave and remain in the country during the entire progress of her pregnancy. In another case, a woman who, before her pregnancy, was especially fond of her child, began to detest him as soon as she became pregnant. She told her husband that if the child was not removed from her a misfortune might occur. The child was accordingly sent away to school, but after two months of calm, the poor woman was again taken with the same hatred for her child, though this hatred disappeared after a few months. Many other examples, showing to what point sympathy and antipathy may be exaggerated during pregnancy, could be given, but on account of their similarity it is needless to do so.

Then, again, we have other examples showing with what impatience and vivacity a pregnant woman may feel what is called a desire or an irresistible inclination which lead to criminal acts, although they are independent of any other mental lesion. One of the most common desires is that of stealing, commonly called kleptomania. Sometimes the theft is without reference to the usefulness of the things stolen, and includes, without distinction, all kinds of objects. As an example of this, may be mentioned the case of a servant girl in whose room was found a large collection of bric-a-brac, all the things being perfectly useless to her.

In other cases the desire is only partial, and has for a motive an imperious desire for food, which pushes the patient to satisfy her craving by stealing the desired object. Such was the case of the wife of a high judicial functionary in France who stole a roasted chicken from a store because on account of its size and delicious aroma it had lighted an instantaneous desire to eat it. In another case a lady enjoyed the greatest happiness in eating everything that she could steal while doing her marketing. In another case a lady stole three hundred men's cravats, but afterwards she returned to the store and paid for them, offering all her excuses.

In all the cases here mentioned one must recognize that the impulse does not reside in the excitation of the desire, but in an attenuation of mental resistance to it. One may ask why thefts in the large department stores are more frequent than formerly, and in reply it may be said that probably at the present time the display is made with greater care and with more taste than ever before, in order to excite a desire in women to purchase, and even those who are well balanced mentally often exceed in their purchases the ultimatum of their purse, and it is not at all surprising that a pregnant woman cannot resist the desire of shop-lifting.

A well-known authority, Dr. Jörg, has endeavored to establish a distinction between these irresistible desires, examples of which are numberless. There are some, according to this authority, who are entirely carried away by food, while others have a tendency to steal silver and jewels, as well as toilet articles. The first class, according to Jörg, can be readily explained because a pregnant uterus produces an organic hyperactivity which has a direct influence over the entire digestive system, often times causing vomiting and dyspepsia, but it may also frequently produce an increase of the appetite and an increased stimulation of the digestive functions. Now, if this be admitted, it may readily be conceived how a stomach thus excited may covet a particular article of diet with great ardor. But pregnancy and the changes that it produces in the female organism in no way justify the opinion that pregnant women are dominated by an irresistible desire to steal on the highways, such as pick-pocketing; etc., and when a pregnant woman has been caught in such an act she has been led to commit the crime, not by her pregnancy, but by a natural criminal desire.

Now, in point of both medicine and law, I would say that distinctions drawn by Mr. Jörg relative to the irresistible desires of pregnancy are devoid of practical value. Whether the case be one of larceny of a chicken or a cravat, the woman irresistibly craves the object, and has not the mental force to resist the desire of stealing, and I would repeat, once again, that in all these cases the crime does not arise from the excitation of the desire, but from the attenuation of resistance against this desire.

For the time being I will not discuss the degree of culpability, and will only mention the fact that in both the first and second groups of patients the will has not been sufficiently disturbed to remove the entire free will of the female, for the simple reason that she understands her acts, and is simply powerless to say "No" to her impulse.

In the third group, which we will now take up, the faculties are all disturbed, and here we are dealing with insanity, in all its degrees and variations. Alienists at the present time do not consider that disturbances of the mind inherent to the particular condition of pregnancy are sufficient to explain criminal acts, and it is proper to refer these mental troubles to some personal defect or to the patient's hereditary antecedents. It is quite beyond all doubt that pregnancy in itself does not cause alienation, but it is the predisposing cause and the starting point of more or less serious disorders of the intellect. These disorders are the result of nervous conditions that I have endeavored to study in what has already been said. From the cases that will now be quoted, one may gain some idea as to how far the intellectual faculties of a pregnant woman may become deranged.

A patient, during each of her eleven pregnancies, always thought that she was going to die, and finally poisoned both her daughters so that they should avoid a similar misfortune. In another case a woman killed her husband in order to eat his flesh, and that she might satisfy her ferocious appetite for a longer period, she salted what remained of the body in order to preserve it. In another case the wife of a shoemaker killed her four children and then hid herself. When arrested, she admitted her crime, and at the same time said that she had committed several thefts, which had no interest for her, and were accomplished in spite of herself. As she had been told that vicious tendencies of a pregnant woman would be inherited by the children, she decided to kill them, so that they should not become thieves.

A female twenty-two years of age became taciturn and low spirited at about the sixth month of her pregnancy. She refused to take food and complained frequently of headache. One day when alone in the house, she threw her

neighbor's baby into the fire, and then seated herself on a bench. When arrested she could not explain her crime, but said that something forced her to throw the child into the fire without knowing why. During her examination she declared that she always loved her family, and was happily married. She was very fond of her neighbor's child, and had no reason for committing the crime.

A quiet and industrious woman of good character became pregnant. Suddenly she became possessed by a violent repulsion against one of her aunts, whom she dearly loved. Without any cause she flew at her aunt, throwing her violently to the ground, and then gave her several blows. An instant later she was so ashamed of her action that she attempted suicide. Before her pregnancy this woman had been subject to attacks of mania, and during the menses she was often tempted to do some bad act, but her conscience prevented her from accomplishing it. She endeavored to control herself, and if she found that she was becoming unable to do so, she took all precautions to prevent herself from carrying out her impulse.

In another case a lady was seized with an attack of impulsive mania during her pregnancy. She stated that on a certain day, while sharpening a pencil, her child entered the room, and she was suddenly seized with a violent desire to kill him. She reassured herself, and could not understand what had given her this inspiration. The desire again repeated itself, and, seeing that she could not resist, she put her knife rapidly to her throat, saying "It is better for you, wicked woman, that you die." This case demonstrates with what intensity the sensitive faculties may become disturbed, and with what irresistible vivacity impulses may manifest themselves. We have here a struggle in the conscience of this poor mother, and seeing that her will led her on to crime she endeavored to resist it, but the impulse was too strong, and just as she was going to carry out her evil design, in a supreme effort she cut herself in order not to do harm to her child. Other similar cases have been recorded in the annals of medicine.

A young man wedded a girl eighteen years old, and they lived happily together, but on several occasions he was

astonished at certain peculiar phrases that she uttered. For example, on one occasion, while they were both at work, the wife said to her husband, without any cause for the remark, "We will both die this year." After having finished his work, the husband returned home to supper at about six o'clock, and after finishing his meal he went to the sideboard to eat the remainder of a plate of cooked prunes. He found that they had a very bitter taste, and remarked to his wife that they were either spoiled or poisoned. His wife, who was at the time a few months pregnant, only replied evasively, and hurried out of the house. An hour afterwards the husband experienced all the symptoms of poisoning. The next day pieces of sulphate of copper were found in the pocket of one of the wife's dresses, and when questioned she admitted that she had endeavored to poison her husband, but when asked what motive had caused her to commit the crime she replied that she could not understand why this idea had come to her mind, and that she had taken resolutions without being able to resist the impulse. She explained how she had mixed the copper in the plate of prunes, as well as in her husband's tobacco. Medical examination and the trial demonstrated that the accused had a difficult character, with a great tendency to sadness; that she showed little intelligence, and at times even appeared idiotic. Her husband himself attributed her criminal act to her pregnancy and asked to have her brought home. The government, however, upheld the accusation, and questioned up to what point pregnancy had changed the moral liberty of the accused. The jury, however, after a few minutes' deliberation, rendered a verdict of not guilty.

It goes without saying that every pregnant female does not experience the various morbid conditions which I have rapidly considered in the foregoing pages, but, generally speaking, a pregnant woman presents an intermediary moral condition, quite distinct from insanity, but far removed from a perfect intellectual equilibrium, and it is easy to conceive that the condition of moral and physical malaise, which accompanies the majority of pregnancies, may remove from the intellect a certain part of its vigor and distinctness, and exercise an influence on the normal condition which will be

all the greater the more unfortunate be the concomitant circumstances.

In women advanced in years a pregnancy may be the subject of shame when the woman has adult children, but on the other hand there are women happy in every respect whose approaching labor is another token of happiness for the future, and, nevertheless, they experience very variable symptoms. An unknown distress is their entire preoccupation, and throws them into the most complete despair. If they are already mothers, they are frightened by recollections of the past and by the prospective of the future. They become convinced that they are going to die, and this becomes a fixed idea which is the starting point of melancholia. Others who are still more unfortunate are thrown into that despair, which follows being forsaken by the man who seduced them. In all these unfortunate circumstances accompanying a pregnancy, a disturbance of the intellectual and affective faculties arises which may weaken the moral liberty of the individual. These disorders may reach such a point that the patient presents some form of insanity, in which case she becomes, in point of view of the law, entirely irresponsible.

It is not always an easy thing to decide the limits which separate mental disease from certain moral conditions which influence the determinations without, however, changing the conscience and the liberty of acts. Between these two conditions will be found intermediary ones which may diminish the responsibility of the individual, and become the occasion of attenuating circumstances, because it is evident that there is a vast distance between sadness or more or less peculiar appetites and some mental affection which shows itself by criminal acts. The large proportion of cases of irresistible desires belong to mental disease unless they are acts which were voluntarily accomplished with the criminal in full possession of her mental powers.

In the first group of patients mentioned in this paper, we have instances of disturbances of the intellect, but the woman possesses an entire responsibility in the point of view of the law, because she both sees and feels what she does, and she has sufficient mental force to resist the performance

of criminal acts. The pregnancy does not deprive her of her free doing action to that extent that she cannot resist those acts which she knows to be both punishable and blamable. Women who have invoked pregnancy as a cause of their crime in order to be acquitted have imposed upon the courts in most instances. But it is none the less true that gestation has modified, to a slight extent, the intellectual faculties, and for this reason attenuating circumstances should be admitted.

As to those women who in cold blood endeavor to justify their guilt by giving as a pretext a pregnancy, which is sometimes real and oftentimes imaginary, they are completely liable for their acts. From the simple fact that they themselves base their defense on an irresistible impulse produced by a pregnancy proves quite sufficiently that they first of all are perfectly cognizant of the gravity of the acts they have committed, and I shall endeavor to point out that it is of utmost importance for the prosecution to see that the medical experts appointed to examine the criminal should never neglect a minute examination, in order to detect any simulation on her part. A woman who simulates always acts in a spirit of interest, vengeance, or pecuniary gain; she acts in possession of her full mental liberty; her will power is in no way changed, and if the court should show any indulgence toward the criminal it is simply because the sex is taken into consideration. It is evident that the trial judge should show far less clemency where simulation has been practiced than where the woman admits her crime without endeavoring to set up a defense. The latter, although in full possession of her free will, has been slightly influenced by the presence of a pregnancy which shows itself by a minor disturbance of the moral faculties.

In the second group the disturbances are more marked, and here the pregnant female is in an intermediary situation, in which a defective volition is more manifest. We are not here dealing with only a modified, simple physiological condition, as in the first group, characterized by a greater impressionability with a very slight change in volition, which leaves the moral liberty absolutely intact. In the class under consideration, the woman should be placed in that

category of insane patients who, after periods of lucidity, present a condition of nerve failure in which the will succumbs to the impulses without any struggle. The moral faculty which produces, directs, modifies, or prevents moral or physical acts which are under its control is at times confused or destroyed, and the woman whose volition is no longer completely normal becomes for this very reason incapable of governing her acts. Such, for example, was the case of the woman who was arrested for having committed a number of thefts, usually consisting of toilet articles, silks, and underwear, in various large department stores in Paris. An examination of the patient's rooms revealed about 250 silk neckties among other things, which were of no earthly use to the accused. All the stolen objects were thrown into the drawers, and the woman paid no more attention to them. When questioned the accused replied that she was pregnant, and with each pregnancy, this being the third, she was seized with an impulse to steal which she could not resist. Legrand de Saule, who examined the culprit, expresses himself as follows in his conclusions: "In this case the morbid impulse is not simulated. As a pathologic phenomenon, it has existed. The theft was committed suddenly, without reflection, and was absurd and without any possible profit to the accused, like any theft committed by a maniac. On the other hand the theft was not an isolated phenomenon, but was part of a group of physical, intellectual, effective, and moral characters, and belonged to a group of special perturbations, evidently produced by the pregnancy."

In this particular case pregnancy had given, so to say, an impulse to the entire organism, momentarily disturbing reason, provoking imperious disorders, and giving place to almost unconscious acts. The responsibility in this case is greatly attenuated.

In the third group the mental disorders reach their extreme limit, and a properly conducted medical examination will leave no doubt as to the existence of a true paranoia. In this group we have instances of enormous thefts, pyromania, ideas of persecution, homicide, and suicide. The woman is deprived of all volition, she no longer knows what

she does, and she is incapable to reason with herself on the act she is about to commit. Nothing can stop her ; an instinct forces her on, and she accomplishes the most blamable acts or the most odious crimes without having the slightest suspicion of their true gravity. In other words she is simply a subject of mental disease, no longer possessed of her free will, and whose responsibility is absolutely nil. This raises the question as to whether pregnancy may produce mental disease, an irresistible desire to commit various excesses which fall within the limits of the law.

In a decision relative to a case of theft committed by a pregnant woman, which occurred many years ago at Halle, the Faculty of Medicine of that city, when consulted regarding the case, arrived at a very wise conclusion, replying that they could not answer affirmatively as to whether a pregnancy could cause an impulse to theft without making a restriction, for if they did pregnancy would become an ordinary excuse for all thefts committed by women, and if it were admitted that this influence could absolutely dominate pregnant women many crimes would remain unpunished. On the other hand, if the influence of a pregnancy on the moral condition of a woman was not recognized, many innocent people would be condemned.

An expert, when called to give an opinion regarding the mental condition of a pregnant woman who has invoked her pregnancy as an excuse for some petty larceny or a crime, should make abstraction of this fact and should limit his examination to her mental condition, disregarding the question of pregnancy completely. This is certainly a delicate proposition, but it will be rendered easier if the slightest suspicious circumstances which have preceded the crime, which have followed the act and have formed and led up to it, are noted, on the one hand, and on the other by a very minute examination made into the hereditary and personal antecedents of the accused. Pregnancy cannot serve as a direct proof. Its influence on the organism and the intellectual and moral faculties are well known, but it is impossible in each particular instance to fix a limit to this influence without carefully examining the temperament of the accused, and particularly the circumstances under which the

offense or the crime was committed. It is essential to ascertain whether or not there have been cases of insanity in the family; whether or not there exist nervous stigmata or alcoholism. It is most important to ascertain the former mental condition of the accused, and also her moral disposition during the pregnancy. In point of fact it is very infrequent that a lesion of the intellect is present singly, and usually it will be found either in the acts committed by the criminal or by an examination of the functions of intelligence and affective sentiments, that there are certain circumstances which might corroborate or remove all suspicion of mental disease.

If, after a careful examination, a physician concludes that the patient is mentally wrong—in other words, insane—absolute irresponsibility of the accused should be admitted; but if, on the other hand, it is found that she did not act under the influences of a lesion of the intellect, the examination should then be carried on into the circumstances which accompanied the theft, if that is the offense, and the social situation of the accused, the value of the objects stolen, and the motives which led up to the offense. In case of murder it is of the highest importance to ascertain whether or not there was premeditation on the part of the accused.

Morally, and in all justice, it would be impossible to condemn a woman who had stolen several hundred men's cravats and other similar things useless to her, but the woman who should receive just punishment would be, for example, one who stole jewelry from various shops and then mutilated it so that its identity could not be discovered. In this case the culpability is more than evident, and consequently it is incumbent to discover if the so-called irresistible desires did not serve to satisfy some passion or some interest. There are cases where the culpability is so evident that no hesitation could be permitted. For instance, in one case a pregnant woman who had been accused of attempting to force the door of a room where a certain number of precious objects were placed, gave for her defense a violent jealousy of her husband, who, as she thought, was locked up in this particular room with one of his mistresses. Other similar cases could be quoted, but such arguments of defense are not worthy of discussion. It is, however, quite permissible to invoke pregnancy as an extenuating cause in certain cases.

871 Beacon Street.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

OCTOBER MEETING.

Presidency of Clark Bell, Esq.

The October meeting of the Medico-Legal Society was held on Wednesday, October 21st, 1903, at the Waldorf Astoria, 5th Avenue and 34th Street, at 8 o'clock p. m., the President, Clark Bell, Esq., in the chair, and Samuel Bell Thomas, Secretary.

The minutes of the last meeting, May, 1903, were read from the June number of the MEDICO-LEGAL JOURNAL, and duly approved.

The following persons were duly elected to active membership, on recommendation of the Executive Committee, proposed by Clark Bell, Esq.

Solomon Rothschild, Esq., 200 W. 111th St., New York, Counsellor at law.

Dr. John L. W. Meagher, State Hospital for the Insane, at Ogdensburg, N. Y.

A letter was read from Dr. Luigi Mongeri, specialist in diseases of the nervous system, of No. 20 Via Cabrutan, Constantinople, Turkey, of date of October 1, 1903, submitting a brochure, entitled "Les l'Assistance des Alienes," which he had contributed to the Society. The President announced that the work had come to his hands. It was moved and carried that the thanks of the body be extended Dr. Mongeri, and the work referred to the Chair for examination and report.

The Chair announced the election of E. J. Fasselman, Esq., 585 E. 140th St., Rev. Dr. S. L. Krebs, of Greenburgh, Pa., and Dr. James H. DeWolf, 1600 W. Franklin St., Baltimore, Md., as members of the Psychological Section, proposed by the President.

The Chair announced the election of H. A. Rodemaecher, chemical expert, Arlington, Mass., to the new section on Chemistry, Toxology, and the Cognate Sciences, of Lawrence, Kansas.

The chair then introduced Dr. Chas. G. Custom, of Boston, Mass., who read a paper on "Pregnancy and Crime." The paper was discussed by some members, S. Bell Thomas and others.

In the absence of W. H. S. Monck, Esq., of Dublin, his paper was read by Dr. R. W. Shufeldt, of Dublin, entitled "Wife Beaters and Their Punishment." This paper was discussed by J. Wilson MacDonald, the sculptor of New York, who read and submitted a paper on the subject; by Dr. La Forest Potter, of New York, and Dr. C. G. Custom, of Boston. The President called Dr. R. W. Shufeldt to the chair, and read a paper,

entitled "Wife Beaters and Their Punishment," as a part of the discussion, and read letters, as a part of the discussion, from Judge Simon E. Baldwin, of the Supreme Court of Connecticut; and Dr. Denslow Lewis, Chicago.

The Chair then made a brief report as to the progress of the work of the American Congress on Tuberculosis, to be held October 3d, 4th, and 5th, 1904, at St. Louis, and read from the June number *MEDICO-LEGAL JOURNAL*, pages 103 *et seq.* to 115 of the organization of the Council of the American Congress on Tuberculosis on May 6, 1903, the call for the annual meeting of May 12, 1903, and the transactions of the American Congress on Tuberculosis at the annual meeting of June 10, 1903, and the officers elected. The Secretary was directed to take a note of the same on the minutes for the bulletin of the Congress.

Mr. Bell read the letters of acceptance from the June number *MEDICO-LEGAL JOURNAL* of some of the officers at pages 151 to 160, inclusive.

The meeting adjourned.

CLARK BELL, *President.*

SAMUEL BELL THOMAS, *Secretary.*

A. A. JAKOBI, *Ass't Secretary.*

MEDICO-LEGAL SOCIETY.

NOVEMBER MEETING, 1903.

Presidency of Clark Bell, Esq.

The Psychological Section of the Medico-Legal Society met in joint session with the parent Society on Wednesday, November 18, 1903, at the Waldorf Astoria. The following was the

ORDER.

The Medico-Legal Society met, the President, Clark Bell, in the chair, for the transaction of business, at 8 o'clock p. m.

1. General Business and Election of Members.
2. Nomination of Officers for Ensuing Year.

The reading of the minutes was, on motion, laid over.

By unanimous vote of the Society it was ordered that no ballots or election lists be sent out. The same officers now serving were renominated, with single exception of Corresponding Secretary, and Mr. J. R. Abarbanell was nominated for that place. By unanimous vote, it was resolved that members can vote whose dues are paid, in person or by proxy, and proxies in blank form sent to be returned by members to the President or Secretary of those who desire to vote by proxy, and that the election be conducted at annual meeting, by members and by proxies.

Dr. Denslow Lewis, of Chicago, was elected an active member of the Society.

PSYCHOLOGICAL SECTION ORGANIZED.

PSYCHOLOGICAL SECTION, 8.30 P. M. — Vice-Chairman Richard J. Nunn, M. D., of Savannah, Ga., in the Chair.

1. Report of the Memorial Committee on The Repeal of the Odell Lunacy Legislation.
How Can it be Best Accomplished?
2. Discussion by Eminent Gentlemen and Legislative Candidates.
3. Experiments in Telepathy and Hypnotism.
By Edith McClelland, B. A., Ps. d., of Chicago.
4. The Congress on Tuberculosis at the St. Louis Exposition of 1904. Report of Progress.

Dr. R. J. Nunn, who had been spending some days in the city, was not present, and Vice-Chairman Bell presided.

The report of the Legislative Committee on the Repeal of the Odell Lunacy Legislation was submitted, and Mr. Bell submitted a paper showing the action of the Committee, the circular letters sent to candidates of both parties at the November election of 1903, the replies received, and the report of the Committee and its recommendations.

The report of the Committee and its recommendations was, on motion, received and adopted, and ordered to be printed.*

The Society, after full discussion, adopted the following resolution, offered by Samuel B. Thomas, Esq., by a unanimous vote:

Resolved, That the Committee on Legislation be continued, and instructed to continue its labor, to secure the repeal or modification of the Odell Lunacy Legislation, with full power, by all honorable means, and to solicit the aid and co-operation of all bodies and persons opposed to such legislation.

In the absence of the author the Secretary, S. B. Thomas, read a paper, entitled "Experiments in Telepathy and Hypnotism," by Edith McClelland, B. A., Ps. d., of Chicago, which gave rise to considerable discussion.

The Chair made a report of progress on the proceedings of the American Congress on Tuberculosis, reading from advance sheets of the September number of the MEDICO-LEGAL JOURNAL, the issue of which had been delayed, to give members the benefit of the later intelligence. He submitted the action of the American Congress on Tuberculosis at its council meeting of July 11, 1903; the by-laws of that body, pp 231 to 238, September number MEDICO-LEGAL JOURNAL; the transactions of the annual meeting of the Congress, held July 11, 1903, in New York City, pages 238 to 241, and the announcements and action of that body, as reported in the MEDICO-LEGAL JOURNAL, pages 242 to 292, which were received, and ordered on file, and to be printed in the JOURNAL and in the Bulletin of 1903.

The Society adjourned.

CLARK BELL, *President*.

SAMUEL BELL THOMAS, *Secretary*.

A. JAKOBI, *Ass't Secretary*.

* See another column for the paper of Mr. Bell, and the report and recommendations embodied therein.

MEDICO-LEGAL SOCIETY.

DECEMBER MEETING, 1903.

Presidency of Clark Bell, Esq., LL. D.

The annual meeting of the Medico-Legal Society, for the election of officers for the ensuing year, was held on Wednesday, December 16th, 1903, at the Waldorf Astoria, 5th Avenue and 34th Street, New York City, at 8 o'clock P. M.

The President, Clark Bell, Esq., in the chair, and A. A. Jakobi, Assistant Secretary, acting as Secretary.

The President appointed as tellers to conduct the annual meeting Dr. Noel and Dr. Markiewicz, and the poll of election was declared open at 8.30 P. M.

The reading of the minutes of the November meeting was deferred until the January meeting.

The Society held a brief memorial session, and the President pronounced brief memorial addresses on the life and career of the following members: Dr. I. N. Love, Dr. Cyrus Edson, Thomson J. Hudson, Theodore J. Allen, M. D., Hon. William H. Adams, P. J., 4th Appl. Div., B. F. Eads, M. D., Dr. Charles F. Ulrich, and ex-Judge Dwight Loomis, of the Supreme Court of Connecticut. Remarks were made by other members.

The Chair produced a large number of proxies from absent members, and the ballots were duly cast on the proxies.

The following were duly elected members of the Medico-Legal Society by ballot, on the recommendation of the Executive Committee, proposed by Clark Bell, Esq. :

G. W. Hopkins, Esq., Counsellor-at-Law, Temple Court, New York City, and Bernard Alexander, Esq., 140 Nassau Street, N. Y. City.

The Treasurer's report was made and ordered filed, and the chair requested to name candidates thereon.

A paper by Frank Richard, F. I. A. S., Vancouver, B. C., on the case of Mrs. Maybrick, "Was Dr. Humphrey Hynotized?" was then read.

An address by The Anagarika Dharmapala of India, on "Trade Schools in India," was then made. This address, showing an effort by the author to open a trade school in India among the children of the very poor, to be conducted by an American skilled teacher and by American boys as teachers, and to illustrate the trades, gave rise to a discussion. The views of the speaker were strongly criticised by J. R. Abarbanell, Esq., and Dr. Markiewicz, and sustained by A. A. Jakobi, the chair, Miss Kate Bell, and others.*

In Section of Medico-Legal Surgery, Judge Abram H. Dailey was ill and unable to preside.

"The Railway Hospital; Its Relation to the Railroads of the Country," by Clark Bell, Esq., was then read by title, owing to the lateness of the hour, and ordered printed.

*We should be glad to have the address, and in case it can be obtained will secure the discussion.

The International Congress on Tuberculosis at St. Louis, 1904, and its relation to the Medico-Legal Society, was reported by the Chair, showing the action of the American Congress on Tuberculosis, the action of the Government of the United States endorsing and supporting it, and the action with foreign countries in aid of the same; and of the World's Fair and Universal Exposition at St. Louis as to the organization of an International Congress on Tuberculosis to be held at St. Louis, October 3, 4, and the announcement of that committee on organization of the International Congress.

The Chair appealed to the society to sustain and aid in the organization of the new Section on Chemistry and Toxicology and the cognate sciences.

Proposals for Legislative Action. Under this head the Chair called Dr. Noel to the chair, and called attention to the papers read at previous meetings on the whipping post for wife beaters, citing the recent terrible case in Brooklyn; and the editorial action of the New York *American* favoring changes in the law punishing wife beaters, so as to more effectually protect wives in these cases, and suggesting the naming of a legislative committee to take steps to secure such legislation. After discussion, Mr. J. R. Abarbanell moved the appointment of a select committee, to be named by the Chair, to take all the papers read and the whole subject into consideration, and to report to the Society its views and plans, Mr. Abarbanell stating that he could not serve on the committee, but to enable the subject to be discussed on the committee's report. Unanimously adopted.

On the question of the usual annual dinner to be held at the January meeting and installation of officers, it was, after discussion, moved that the Chair name a committee of arrangements for the annual dinner, with power.

The tellers reported the election, unanimously, of the following officers or 1904: (*Vide* the list of officers as published for 1904.)

The Chair reported that the work of Dr. Luigi Mongeri, of Constantinople, was meritorious, as sent to this body in October last, and that he was recommended for election as corresponding member. On balloting he was duly elected corresponding member.

Society adjourned.

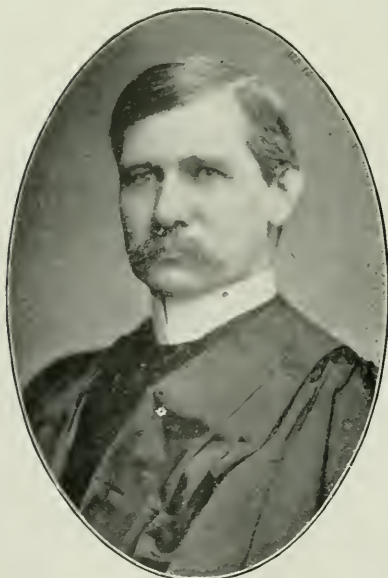
CLARK BELL, *President*.

SAMUEL BELL THOMAS, *Secretary*.

A. A. JAKOBI, *Ass't Secretary*.



HON. JOSEPH F. BARNARD.
Presiding Justice of General Term in 2d Judicial District.
from 1870 to 1893.



HON. ALDEN CHESTER.
Associate Justice,
Appellate Division, Third Department
1904.

JUSTICES OF SUPREME COURT OF NEW YORK.

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[From advance sheets of Medico-Legal Journal and Bell's Supreme
Court of the States and Provinces of North America.]

EDITORIAL.

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS.

TO BE HELD AT ST. LOUIS IN 1904.

Some criticism has recently been made in medical journals of high character as to the recent sympathetic action of the Government of the United States and of the Universal Exposition of St. Louis in 1904, especially of the United States Government, in the aims and purposes of the American Congress on Tuberculosis.

The American Government has been the strong and steadfast friend and supporter of the American Congress on Tuberculosis since it was founded by the Medico-Legal Society in 1900 on the Medico-Legal basis on which it was placed at its inception.

The lines and basis on which it was organized by the Medico-Legal Society were, that the questions which it proposed to discuss were problems of the very highest and broadest moment that had ever been presented to the students of Forensic Medicine in the history of that domain of science.

These were, of course, questions mainly of law and legislative action, but which also involved questions requiring the highest skill in Medical Science, in chemical, bacteriological, and pathological inquiry. They deeply interested the Statesmen, the Legislator, and the political economist. To the minds of the founders of that body any attempt to limit the subject to one single profession, and especially the medical, could not be hopeful of results, when the main

hope was in inducing preventive legislation, and a popular education of the great masses of the people in favoring the enactment of such legislation (at the polls if necessary), and in creating a public opinion that would not only favor, but insist upon, its enforcement.

The only opposition that has thus far developed of any note has been from medical sources outside the membership of the body. The exception has been so small as not to be noticeable, and to only verify the truth of the statement that the occasional exception seems only to prove the rule.

The most conspicuous departure from this was a very strong assault made in the issue of the *Journal of the American Medical Association* at Chicago, Ill., of December 12th, which we regret that we have not space to reproduce, but to which the managers of the Committee on Organization of the International Congress on Tuberculosis feel that a reply should be made, lest the statements of this influential medical journal might be construed, if not replied to, as detrimental to the organization now progressing under the highly sympathetic action of the United States Government quoted in its columns.

The following reply has been sent to that journal, and it will be sent to other journals interested in behalf of the management, to whom the Universal Exposition has entrusted the organization of the International Congress on Tuberculosis.

The following is the reply :

INTERNATIONAL CONGRESS ON TUBERCULOSIS.

REPLY MADE BY CLARK BELL, ESQ., CHAIRMAN OF THE COMMITTEE
ON ORGANIZATION OF THE INTERNATIONAL CONGRESS ON
TUBERCULOSIS OF THE WORLD'S FAIR, ST. LOUIS,
1904, TO THE STRICTURES OF THE EDITOR OF
THE JOURNAL OF THE AMERICAN MEDICAL AS-
SOCIATION OF CHICAGO, OF DEC. 12, 1903,

DAVID R. FRANCIS, FREDERICK W. LEHMANN,
President Universal Exposition. Chairman Committee Board Directors

UNIVERSAL EXPOSITION, ST. LOUIS, 1904.

International Congresses.

HOWARD J. ROGERS, - Director of Congresses.

OFFICE OF THE CHAIRMAN OF THE COMMITTEE
ON ORGANIZATION.

39 Broadway, New York.

December 14, 1903.

*To the Editor of the Journal of the American Medical
Association:*

SIR:—My attention has been called to your very able and critical editorial in your issue of the 12th instant. I have not seen the number to which you refer of the preceding week, but it is apparent that you have been misled by those who have attempted to act as your "source of information." The American Congress on Tuberculosis was founded by the Medico-Legal Society in 1900, and has held its annual meetings and elected its officers each year since that time at the City of New York.

This Congress is not, nor was it ever, for a moment, considered as a strictly medical organization. It was composed

of legal and medical men, scientists, and publicists, because the medical profession, as such in this country, failed to organize such a Congress, although all the leading powers of christendom had moved and acted. Sweden, Italy, Germany, France, and England had done so.

The Medico-Legal Society, because of the inaction of the medical profession of America, considered that if consumption was a communicable disease, as their medical members believed and advised, that the highest questions in forensic medicine ever submitted to the two great professions of law and medicine were :

1. What legislation could be adopted by Congress or by the Legislatures of the American States, that could possibly arrest its ravages, prevent its spread, and reduce the mortality among our people that had reached such alarming and amazing proportions, as the first question, and

2. How could the masses of our people be educated up to be willing to vote for said legislation, and aid in securing such legislation as a commencement, and to form and place on solid foundations, a public opinion in America, among all classes of our people, that could be relied upon to enforce such laws after they were enacted ?

The Medico-Legal Society then considered that because of the exigencies of the question, the supineness and inactivity of the medical profession in our country to grapple with the subject, that it became an urgent, an immediate, and the paramount duty of lawyers, jurists, medical men, scientists, legislators, and the general public in such a struggle to inquire into all sides and phases of this question.

While, perhaps, a majority of those interested in the movement were medical men, and men of the highest attainments in science, who were at the head of the profession in sanitary science, this organization was formed under the presidency of that Nestor of sanitation, Dr. A. N. Bell, editor of the *Sanitarian*, the foremost journalist of the Nation in this field of study, with a strong array of medical men as his co-laborers. The membership was also open to lawyers, judges, statesmen, and jurists, and the body commenced its labors. In 1902 the honorary Vice-Presidents were nearly all Governors of States, and but a few medical men among

them, because it was conceded on all hands that the campaign against tuberculosis was one largely of education of the masses of the people as well as the medical profession itself, in the wisdom and expediency of urging legislation that would be preventive in character and effectual in its preventive results.

The meeting of 1901 was very successful, and enlisted a large following on the medical side, and among the governments in the Western Hemisphere. The government of the United States lent its strong and powerful aid to the work. Delegates from many of the governments came, and the work was well launched.

Opposition came to the efforts and labors of the Congress from medical men outside of the body, who claimed that it was not a medical body; that it should be confined to medical men only, and that the questions presented should be limited to and discussed by medical men only.

This was voted down in the Congress of 1902, on full discussion, where a report, confining its membership to medical men only, was voted down unanimously, and members of both professions of law and medicine were voted eligible to membership, and all legal, medical, and scientific bodies were ordered to be invited to send delegates to the annual Congress.

Those who favored the view that the body be limited in its officers and management to medical men, sought to carry out such a project indirectly, but without the consent of the body, and against its express vote. The President elected in 1902, the Secretary elected in 1902, and some few others sought to restrict its officials to men of this type. This was not satisfactory to the members nor to the founders.

The election of June 11, 1903, ensuing, settled these questions by electing a new board of officers, in which entirely new officers were elected (except Dr. Barrick as President, and by a unanimous voice the present board was selected without one dissenting voice.

The officers of 1902 took no steps to proceed with the work laid out by the Congress of 1902. After some discussion they agreed to hold the Congress in Washington in 1905, and notwithstanding the almost unanimous voice of

the members declaring that the Congress should be held in St. Louis in 1904, at the World's Fair Exposition, decided to form a new organization for this purpose. At the annual meeting, however, no supporters were found favoring these measures, and a harmonious management was chosen.

If the medical profession had, in 1900, organized a national movement, or Congress, on tuberculosis, as that profession had done in almost all continental countries, it would have been a creditable work, and if such a body had been formed by the medical profession, it is only fair to say that the present Congress would not have been organized.

If the medical profession should to-day, through its great National organizations, decide to call and hold a medical Congress on Tuberculosis, either on broad or restricted lines of labor, as to the medical questions involved or on larger and broader lines, it would be a creditable work, and every member of this organization would aid it in every way.

At every meeting of the American Congress on Tuberculosis the Medico-Legal Society, as a body, met with it in joint session up to and including the session of 1902, which was represented by delegates from many governments, which, up to that time, had been limited to the governments of the Western Hemisphere, and the Continents of North and South America, and to the peoples living in American waters.

The most creditable thing the government of this country ever did in the advancement of science was the sympathetic aid it lent to the American Congress on Tuberculosis in 1902, and one which medical men, at least, should recognize with thanks and with pride.

It was most natural and wise that our government should continue this splendid, this superb work along the same lines it had previously adopted.

The action of our government which you quote "That our government would be pleased if foreign governments and States would find it convenient to comply with the request of the committee to give the matter publicity in order that it may come to the knowledge of interested organizations and public-spirited citizens, in their States and countries,"

I beg to call your attention to the language of the instructions which our government has given to our Ambassadors and Ministers abroad :

“ The humanitarian object which this Congress has in view to reach, by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this dreadful disease, which now falls with such terrible force and fatality upon the people of the Western Hemisphere, cannot but enlist the sympathy and approval of the government to which you are accredited.

“ The Department will, therefore, be pleased to have you say to that government that this government is in entire sympathy with the work of the proposed Congress, and would be pleased to learn that the government of —— took a like interest in its success by the acceptance of the committee’s invitation, and the appointment of three or more scientific gentlemen to represent it at the Congress.

“ This government would also be pleased if that of —— could find it convenient to comply with the request of the committee to give the matter publicity in order that it may come to the knowledge of interested organizations and public-spirited citizens of that country. I am, sir,

“ Your obedient servant,” etc., etc.

I have to thank you, in behalf of the Government of the United States and of the Congress, for the publicity you have given to these sentiments that animate the American Government, and which lend enormous force to a movement that will result in a great Congress in October, 1904, at St. Louis.

Your sources of information as to the character of the medical men interested in this Congress have misled you and must result in regret at your intemperate language in what you say as to the better element of the profession.

Does any man in the medical profession of America stand higher in sanitation than Dr. A. N. Bell, editor of the *Sanitarian*, who, for two years, was President of this body, and now at the head of its Honorary list of Presidents.

Have you, in Chicago, a higher medical name than Sur-

geon General Nicholas Senn, Honorary President of this body, or Prof. Charles E. Hughes, of St. Louis; than Professor Maurice Benedict, of Vienna, who has accepted an Honorary Presidency, and who announces his intention to attend and read a paper on "The Toxin of Tuberculosis" at this Congress. The list of Vice-Presidents of this Congress who have accepted their positions on the medical side is composed of men whom you will say, when you see the full lists, have been selected "from the better element of the profession" on the medical side.

Now, that the management of the Great Universal Exposition have honored the American Congress on Tuberculosis by asking its representative men to organize an International Congress on Tuberculosis, to be held at the St. Louis Exposition, and under its auspices, on October 3, 4, and 5, 1904, and that a committee of organization, appointed by President Dr. D. R. Francis, of the St. Louis Exposition, has met, and, in accordance with the wishes of that body, on full consultation with the U. S. authorities, duly organized such an International Congress and elected its officers (I send you a copy of the announcement, which I hope to see appear in your great journal), you will, I think, perceive that you have misunderstood the situation.

This International Congress has not been organized as a distinctly medical organization. The resolution of the Committee on Organization adopted was as follows:

"It was unanimously resolved that the Congress be open to the legal, medical, and all other professions, judges, phil-anthropists, scientists, statesmen, legislators, and all citizens interested in averting the ravages of the dread disease, and that they be invited to become members of the body."

It was also unanimously resolved at the meeting of the Committee on Organization of the Universal Exposition, St. Louis, 1904, at its meeting in New York on November 11, 1904, "That the Board of Executive Officers were instructed to issue invitations to eminent citizens, societies, and organizations, both at home and abroad, to co-operate and unite with the International Congress, who are in sympathy with its aims and objects," and that by unanimous vote it was unanimously resolved that the propriety of inviting dele-

gates from other governments outside of and beyond the Western Hemisphere; of increasing the honorary presidents of the American International Congress on Tuberculosis; and of increasing the Committee on Organization of the International Congress, with a view of having it more representative in character of an international body, were also referred, with power, to the Board of Executive Officers.

You will see, therefore, that your criticisms of the present International Congress on Tuberculosis as now organized by the management of the Universal Exposition at St. Louis, 1904, proceeding on the erroneous assumption that it was a medical body, hardly apply to the situation, and were made upon an erroneous and mistaken idea of the aims, origin, and purposes of the body.

At the risk of being considered tedious, I wish, in the kindest feeling, to criticise your article.

We think you do the Congress organized by Dr. Lewis and his associates, and announced to be held in Washington in 1905, an injustice, and that you underate the merit of some, at least, of the gentlemen of the Board of its officers in your advising them to abandon their purpose, and in asserting, as you do, "that nevertheless we cannot but think that under the circumstances it will be a mistake for them to go on."

They have organized a Congress on Tuberculosis to be exclusively medical and to be confined strictly to medical men, and not to be open to lawyers, jurists, scientists, and the intelligent laity, as was the American Congress on Tuberculosis in 1902, which adopted a resolution, after extended debate, at the Congress (1902), making both professions of Law and Medicine eligible to membership, and all legal, medical, and scientific bodies ordered to be invited to send delegates.

Your criticism on their selection of a name so near that of "The American Congress on Tuberculosis" may have force. Had they said "American Medical Congress on Tuberculosis," no mistake could have arisen.

It is the first effort in our country to organize a Medical

Congress on Tuberculosis, and to be limited to medical men and managed by medical ideas of ethics and membership.

These gentlemen had the right to organize such a medical organization.

You should praise and support this effort—not censure it.

It does not in any respect antagonize the work of the American Congress on Tuberculosis, as it meets in 1905, and it may be most useful in defining the limits and lines upon purely medical questions for the benefit and enlightenment of legislators and the public.

It was most natural that the Medico-Legal Society could not take that interest in the medical questions pertaining to tuberculosis alone. It was the medico-legal aspects and preventive legislation and popular education that could enlist the men who created the American Congress on Tuberculosis, and who had brought it into public and governmental notice and recognition.

As this Congress is not a medical congress *per se*, and as men of all professions are on its list of officers and members, its faults ought not, nor could they ever, be laid at the door of the medical profession.

With high personal regards,

Ever faithfully yours,

CLARK BELL,

*Chairman Committee on Organization,
International Congress on Tuberculosis.*

THE ETIOLOGY OF TUBERCULOSIS.

John Ferguson, M. A., editor of the Canada *Lancet*, in his editorial columns, December number, gives his views on the Etiology of Tuberculosis. He says :

The time was when it was thought that heredity explained everything in connection with the causation of consumption. Then came a period when many of the most careful observers began to doubt the all-sufficiency of this explanation, and began to regard the disease, both in man and the lower animals, as communicable, to some extent, from one to another. Later, in 1882, Robert Koch gave to the world his great discovery of the tubercle bacillus—the germ of the disease. From that date to the present the opinion has been rapidly gaining ground that the disease is of an infectious nature ; and, in most instances, in some way or other, is conveyed from the sick to the well—from animals to man, and *vice versa*.

Recently, however, there has been an effort, in high quarters, to throw doubt upon some of the views generally held upon its contagiousness. In 1901 Koch startled the medical world by declaring that tuberculosis was not communicable from man to bovine animals ; and, *per contra*, from these to man. He held that it was scarcely necessary to take precautions regarding tuberculosis meat and milk. These teachings stimulated investigation, and a considerable amount of reliable information is now to hand that animals can be infected by tuberculosis matter from man, and that man can contract the disease from bovine sources. These investigations go to throw discredit upon the investigations of Koch and Schütz.

About two months ago Professor Behring announced the rather sweeping statements that the communication of pulmonary consumption to adults by contagion had not been proven ; that human and bovine tuberculosis is the same disease ; nearly all cases of tuberculosis are due to the inception of the germ in infancy through milk, and that later in life these germs develop if the soil is suitable. He makes the statement that about 96 per cent. of all persons over 30 years will react to the tuberculin test, which means that nearly everyone, by that age, has been infected and has tubercles in the body. His view is that the germ is of much less consequence than the soil ; for, if the resistance is sufficient, the germs will do but little harm. He declares, however, that the utmost care should be taken over all milk supplies.

But this is not the end of the confusion. Professor Ferdinand Hueppe, in the Harben Lectures, which he delivered in London during October, contends that most persons are infected at some time or other, the great majority escaping ; that the germs are often found in the bodies of perfectly healthy persons ; that predisposition is the most important factor, and that many made a recovery, showing the resisting power of certain persons against the germ. He contested Koch's view regarding the non-communicability of human and bovine tuberculosis. Cattle had been rendered immune to tuberculosis by being treated with bacilli of human

origin. Another statement made by Professor Hueppe of great importance is that the tubercle bacillus is not an obligatory parasite, but has been cultivated outside the body on glycerinated media. If it can be shown that the bacillus can grow free in nature, outside the animal body, a new source of infection of vast importance will come before the scientific world. So far, however, the cultivation has been difficult, and the probabilities are all against the view that there is any danger, apart from infected man or animals. Professor Hueppe also contended that the germ might enter by the respiratory or digestive channels, and affect any organ of the body, attacking the *locus minoris resistentiae*. Thus, the lungs might be diseased through the digestive canal, or the glandular system through the respiratory.

The complications have been increased still further by a recent article from the pen of H. Charlton Bastian, emeritus professor of medicine in University College, London. He takes the position that tuberculosis may arise *de novo*. He states that "If good hygienic conditions and improved vitality will lead to the cure of the disease, then low vitality and bad hygienic conditions may have sufficed to produce it." Again he states, "We might then return to something more like the sober views that prevailed concerning the etiology of phthisis, only a few years ago, when the affection was freely recognized as generable in the individual, altogether apart from contagion, and contagion was supposed to take only a limited share in the production of the disease. This seems the more rational and most warranted view to be taken." One of Dr. Bastian's arguments against the contagion theory is that the bacilli are found in glands, bones, joints, etc., and no clear explanation is possible as to how they got there. It is much easier and far more scientific to grant that they got into these places by means of the circulation than to suppose that they just began there from nothing. We fear that Dr. Bastian must be left alone with his transcendental theories.

Far nearer the truth, indeed *the truth*, are the words of Professor Osler, that tuberculosis is a case of seed and soil. Sometimes the seed falls by the wayside and perishes, sometimes it falls in stony ground and produces a weakly crop, and sometimes it falls in good soil and produces an abundant crop. In spite, therefore, of the learned arguments of Koch, Hueppe, Behring, and Bastian, it comes back to a question of seed and soil. No matter how favorable or suitable the soil may be, without the seed there can be no crop. However laudable it may be to maintain a high standard of vitality, it is absolutely obligatory to destroy the germs as they come from the infected person; and thus prevent the seed from alighting in any other person, whether of the type of the wayside, the stony ground, or the good soil. Destroy the germ wherever found, and keep on destroying it. The soil we must always have with us. It is the seed alone which we may hope to control. The world will always be full of the poor, the dirty, the weakly; but the world need not always be full of the tubercle bacilli.

The December number of Canada *Lancet* gives the most

complete statement of the various hospitals of the Dominion of Canada we have seen.

The frontispiece contains the excellent portraits of H. H. Choun, B. A., M. D., C. M., L. R. C. P., Dean of the Medical Faculty Manitoba Medical College and Professor of Chemical Surgery in the Winnipeg General Hospital. He is one of the vice-presidents of the American International Congress on Tuberculosis to be held at the World's Fair in St. Louis, October, 1904, under the auspices of that body and of the American Congress of Tuberculosis; also a fine portrait of I. C. Connell, M. A., M. D., Dean of the Medical Faculty of the Queen's University, Kingston, Ontario.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

Dr. William A. White, late assistant physician of the N. Y. State Hospital at Binghamton, N. Y., is appointed Superintendent of the Government Hospital for the Insane at Washington, D. C. It is an admirable selection for the National Hospital for the Insane. He is admirably equipped for the duties of the position by a large experience and by a very marked ability.

He succeeds that splendid physician, Dr. A. B. Richardson, who came into this position at the close of a long, a useful, and, in many respects, a brilliant career, and where death came just a little too soon for the full rounding out of his fame as the President of the National Association of American Superintendents.

Dr. White will find ample field for carrying out his studies in Mental Science in the Government hospital. We congratulate the Government on its selection, and we congratulate Dr. White that he has stepped out of the baleful atmosphere that now envelopes the insane and their superintendents and leaders in the Empire State.

AMERICAN CONGRESS ON TUBERCULOSIS.

We clip the following from the Canada *Lancet*, one of the leading and influential journals of the Dominion of Canada, on the work of the American Congress on Tuberculosis and of the American International Congress on Tuberculosis, which has been organized by a Committee on Organization named by President D. R. Francis, and which is now decided upon to be held in joint session with and under the auspices of the Universal Exposition, St. Louis, 1904, and of the American Congress on Tuberculosis, October 3, 4 and 5, St. Louis :

AMERICAN CONGRESS ON TUBERCULOSIS.

Arrangements are being rapidly completed for a very influential gathering in October, 1904, at the World's Fair and Universal Exposition at St. Louis. Gentlemen of high standing, both lay and medical, will take part in the proceedings. A movement is also on foot for the organization of an International Congress on Tuberculosis, to be held at the same time and place. The management of the World's Fair and the United States government are giving every assistance to these two organizations.

When one has regard to the importance of the matters that must come before such gatherings, they need few words of commendation from us. There were strong suspicions in the minds of many scientists, prior to the discovery of the bacillus tuberculosis, that consumption in some way or other was a communicable disease. These suspicions became certainties when, in 1882, Prof. R. Koch gave to the world the discovery of the bacillus. It is now proven beyond the possibility of a doubt that without the bacillus there can be no cases of tuberculosis. What the scientific world has to deal with is the bacillus, its modes of spread, its habits of life, and how it can be rendered harmless. These are the problems that will form a large portion of the deliberations of the congresses on tuberculosis. The population of the United States, Canada, and Great Britain aggregate about 120,000,000. Taking the annual death rate at 18 per 1,000, there will be a total death loss of 2,160,000 a year, and one-eighth of this will be due to tuberculosis, or 270,000. This is a terrible loss of life from any one disease, and that disease almost entirely a preventable one. It is when the death loss is thrown into such figures as the above that the importance of any movement looking towards the prevention of tuberculosis becomes so distinctly attractive. It is safe to say that each life to the State is worth at least \$6,000 on an average. The loss of 270,000 lives at this estimate is a total loss of \$1,620,000,000 to the United States, Canada, and Great Britain. Those who are doing so much to lead the public thought toward taking steps to lessen this terrible loss of life are doing more for these countries' wealth than the great trusts and money kings.

It is within the memory of the present generation that to talk of the infectious nature of consumption and to advise methods of prevention would only beget ridicule, and brand the person as a crank. The writer can recall an incident in the year 1884, when he urged such views at a large medical convention, and was regarded as visionary, being told by some that in a few years he would not hang such heavy weights on such slender threads, referring to the weakness of the arguments and the proofs advanced. The threads have stood the strain, and are now carrying heavier weights than was even then thought of. With proper preventive measures, there need be practically no consumption ten years hence.

INNOCULATION OF CRIMINALS.

We should be glad to have the subject brought before the International Congress on Tuberculosis at St. Louis in 1904, which Dr. M. P. Ravenel presented at the meeting of the American Public Health Association—the subject of infection of human beings with animal tuberculosis.

The proposition made by Dr. Ravenel, to urge upon State legislators the propriety of experimenting upon criminals condemned to death—proper experiments for the benefit of the human race—is one not to be dismissed with a sneer. President Lincoln was credited with saying that that was the best thing that did the most good to the greatest number of people. There is room for argument on both sides of a proposition so enormous in its possible results, and it is on a higher plane than any that has been presented for the welfare of the human race.

If the killing of criminals has at its foundation any thought higher or nobler than the welfare of the race, would it not be a wise step to so arrange the manner of taking the life of the criminal as to give all the benefits it could possibly lend to the greater number?

The law of self-preservation has justified the taking of human life, to one man alone, to save his own life.

If any of the millions of that great procession of victims who are now marching to their death could be said to be a

sacrifice of a few for the good of the many, it could be demanded in the name of the State for the higher welfare of the great masses of the people.

MUNICIPAL SANITORIA FOR TORONTO.

We learn that a deputation, composed of Dr. E. J. Barrick, Eugene O'Keefe, Dr. J. E. Elliott, and Dr. S. G. Thompson, waited on the Board of Control of Toronto to ask that the question regarding the contribution of \$50,000 by the city towards the erection of a municipal consumption sanitorium be submitted to the qualified electors in January. The Board unanimously approved the submission of the question on the same terms as last year.

Dr. E. G. Barrick, who is lending his aid to this scheme, was elected President of the American International Congress on Tuberculosis on November 11th, 1903, by the Committee of Organization named by D. R. Francis, and nearly all of the officers and committees of the American Congress on Tuberculosis were elected to the same places and positions in the International Congress.

The management of the World's Exposition are anxious that the International Congress on Tuberculosis shall not be limited to the governments of the Western Hemisphere, but that it should embrace all the governments of the Eastern Hemisphere, upon the invitation of the government of the United States on the request of the manager of the Universal Exposition. If this course is adopted by the Committee on Organization of the International Congress, it will provide for a great meeting at the the St. Louis World's Fair next Fall.

THE SUPERINTENDENTS OF OUR INSANE HOSPITALS AND GOVERNOR ODELL.

We clip the following from the *Greenport Watchman*, edited by Mr. Henry A. Reeves, formerly a member of the

State Lunacy Commission of the State, and a far-sighted, clear-headed observer of current events :

The Buffalo *Times* of the 21st (November) printed the following :

Certain Republican politicians having made efforts to remove the superintendent of Willard State Hospital because he persistently refused to permit that institution to be conducted in the interest and for the benefit of the Republican party, Dr. W. A. Macey, medical superintendent, has been transferred to King's Park. This act is in keeping with the policy of the Governor in converting all public institutions of the State into partisan machines for political use. Since the enactment of the Odell lunacy law great influence has been brought to bear to induce Dr. Macey to permit local Republicans to use the patronage of the institution for party purposes. This he wisely and firmly refused to do, and the result is his transfer to another field of labor. The asylums of the State are controlled by Odell machine politicians under an Odell law. The Medico-Legal Journal evidently did not err in characterizing the present executive of the Empire State as "the assassin of lunacy reform."

While perfectly well aware of the great pressure exerted upon Dr. Macy by Republican politicians, and of his honorable refusal to bend to their wishes, we believe the *Times* is at least premature in its statement that he has been transferred to Kings Park. Such a transfer was under serious consideration by the Governor and the Commission in Lunacy, involving also (and for similar reasons) Drs. Dewing, of Kings Park, and Elliott, of Flatbush, and the report that these changes in the heads of of three great State Hospitals had been ordered out ; but they have not yet taken place, doubtless because of some fear of their public effect. How soon they, and others like them, may be carried out, no one outside of the Executive Chamber can foretell. The important thing to be noted by the *Times* and by all the honest newspaper press of the State which have a just pride in the former reputation of New York's lunacy administration and a sincere detestation of Odell's prostitution of it to partisan uses, is that under the lunacy law which he forced upon the State two years ago, practically despotic power over the whole system of administration of State hospitals is lodged in his hands, to be exercised at his own will through the Commission. It is under and pursuant to this shameful law that such pernicious and revolutionary measures as these proposed transfers, than which nothing can be more destructive to the morale and efficient conduct of the institutions, to say nothing of its absolute overthrow of the central idea of medical supervision, becomes possible. Every genuine agency of public opinion, concerned in this great subject, every newspaper, every medical society, every charitable organization, every intelligent citizen, jealous of popular rights and firmly resolved to tolerate no politicalizing of State institutions for charitable or penal uses, ought to unite with the Medico-Legal Society of N. Y. City in its demand for the prompt repeal of this most dangerous and drastic law.

It is not of so much importance whether Governor Odell has the audacity and courage necessary to degrade and punish Dr. Macy for acts within the line of his duty, and to

compel the Lunacy Commission to carry out his orders and wishes as it is to have the good people of the State come into the realization that we are in the great State of New York living under a regime that makes such scandalous transactions possible.

Dr. W. A. Macy is one of the ablest and best superintendents of hospitals in the State.

It is a marvel that he would dare to resist the encroachments of the Governor upon the rights, powers, and duties of a hospital superintendent. His name deserves to be well remembered. His long and splendid service for so many years at Utica and Willard has fitted him for the discharge of the duties to which he was assigned to Willard.

Mr. Reeves may be right in expressing the opinion that even Odell will hesitate to compel these changes to be made with the blazing light which publicity by the press would throw upon him and his conduct.

We expect that the Governor will punish Dr. Macey. How can he maintain that reign of terror which has existed in our State institutions without he punishes those who oppose his wishes?

It needs glaring examples and cases of this kind to arouse the public mind so that it can realize the enormous abuses possible under the law as it now stands.

The question of the nerve of the Governor, and his capacity for wrongdoing, is illustrated by his wanton disregard of personal and public rights, and his disregard of the Constitution and the rights of the insane themselves, when he planned deliberately to wrest this power from the Boards of the several State institutions and vest it in the Executive of the State.

No such high-handed outrage has ever before been considered by an Executive in this State.

He will not shrink or falter now, nor listen to the voice of the people.

What are the rights of Dr. Dewing, of King's Park, or of Dr. Elliott, at Flatbush, to a Governor who cannot consider the insane as having any rights at all that a Governor is bound even to consider, much less respect, who is so blinded by his vanity as not to recognize the voice of 121,000 majority against him at the polls in Greater New York as retributive, who, escaping annihilation by the merest accident of Democratic dislike of an alleged leadership in the State, when Clinton, Albany, and Renssalaer counties brought him in by the skin of his teeth battered beyond either recognition or repair; and who is attempting to punish Republican leaders in Greater New York for a result that they were powerless to prevent—or even to withstand a current against him in the metropolis, as irresistible as that of the rapids of Niagara.

He will carry out his plans because he cannot see what all men except himself read of him and his political future—the words “*Mene, mene, tekel upharsin*” branded ineffaceably upon the chambers of his political destiny.

Whom the gods seek to destroy they first make mad, is as old as the Pyramids, and there is not one man of his advisers faithful enough to tell him the whole truth; and this discredited one, by the voice of the people of the metropolis most affected by his course, seeks now to reach out after the leadership of a party in the State that he has ruined, and which, if he succeeds in attaining it, will give the State to the Democracy beyond the possibility of a doubt.

We counsel Dr. Macy not to resign, as a man of his high character and purpose would feel it his duty to do, if this personal affront and outrage is put upon him by the Governor.

Let Dr. Macy wait for his vindication. It will not be for

long. The retribution will come, and will fall where it belongs and where it desires to fall—upon Governor Odell.

There is not a superintendent of a State hospital in the State whose sympathies will not be with Dr. Macy in this matter.

Whoever succeeds Macy will, if he is wise, emulate his example, and the publicity which the press of the State will throw upon the conflict will leave no doubt where the public odium will rest, no matter how much the official robes of the Executive are smirched in the political mire that created the scandalous and outrageous affair.

THE UNIVERSAL EXPOSITION AT ST. LOUIS IN 1904.

There is a concerted movement in the medical profession in certain States not to sustain the management of the St. Louis Fair, and not to have any medical demonstration of note held there in 1904.

An attempt was made to prevent the American Congress on Tuberculosis being held at St. Louis in 1904.

At the annual meeting of that body in June, 1903, the feeling was unanimous that the Congress should be held at St. Louis in 1904, and although the American Congress on Tuberculosis was not a medical body *per se*, and was open to all professions and to intelligent laymen, and contained on its roll of membership the most eminent sanitary authorities and medical men of the highest attainments, and was ably championed by the leading minds of the medical profession both in the United States and in the Canadas, and although Prof. Maurice Benedict, one of the foremost medical men in Austria, announced early his intention to be present and to read a paper on "The Toxins of Tuberculosis," a continuous assault has been made upon this body by medical men, who are not members of the Society, but

usually unknown and obscure persons, one of whom complains that his application for membership was ignored and not replied to. There has been recently in the medical press assaults upon the proposed International Congress, which has had the splendid recognition of the Government of the United States, and is to be held under the auspices of the Universal Exposition itself, and organized under a committee named by the Exposition itself.

The medical press has in some instances refuted these assaults, the secret purpose of which was to prevent a Congress on Tuberculosis at St. Louis in 1904.

It is due to the medical profession of the country to understand that among the medical men who have accepted official positions in the American International Congress on Tuberculosis those only of the highest character and standing, representing every State in the American Union except one, every Province in Canada, more than six times as many boards of health as were reported in the Congress of 1902, and that the list of medical men is inferior to no organization in the land.

Its mission is almost wholly in the domain of forensic medicine, and is not medical *per se*; it lies in the domain of preventive legislation. This should appeal strongly to medical men, as it does to the great masses of our people, and to the sympathies of every philanthropist and legislator. The noisiest complainant is the very energetic advertiser of a compilation from the writings of our best authorities on tuberculosis into a book, which his best friend does not claim contains many original ideas of his own, and whose purpose is mainly to advertise his book and bring himself into public notice, without paying the regular advertising rates; whose moan seems to be that he is not a member of either congress of tuberculosis, one to meet in St. Louis in October, 1904, and the other in Washington in

April, 1905; who seeks to show that no congress should be permitted in which he was not a conspicuous figure. He has a mania for seeing his name in print, and, it is said, he has written over one hundred papers within the last three years, and got them published in medical papers, always advertising his book.

We are told, also, that the medical council of a State Medical Association, on learning that the President of the State Society contemplated naming delegates to attend the Congress at St. Louis, or a quorum of them, and in the absence of the President, forbade their President to do so, although they were unknown to the Congress and had never been requested by that body to act; and that this body also passed resolutions reflecting on the scientific and medical attainments of the medical men among the officers of the Congress, and upon the Government of the United States for its superb recognition and the sympathies it had expressed for the aims and purposes of the Congress, which was the amelioration of the human race upon the highest plane on which it has ever been presented.

There are three times over more members and officers of the International Congress on Tuberculosis than would be necessary to make for it a brilliant success, and it is but simple truth to announce that the meeting next October will be one of the most memorable ever held.

The medical profession who are interested in the questions, and who do not have books to advertise gratuitously, and to attract attention to themselves through gratuitous and uncalled for and unsolicited action, should sustain the St. Louis Exposition.

Every State of the Union will be represented by delegates, both lay and medical, and the Congress to be held at St. Louis will not miss any of the gentlemen who are seeking thus to attract the public attention and to make assault

upon the great meeting to be held at the St. Louis Exposition next Fall.

All medical men who desire to co-operate with the Congress have only to communicate with the officials on their own motion, or through the Vice-Presidents of their States.

DR. THOMAS DARLINGTON

Is peculiarly fitted for the administrative work devolving upon him as head of the Health Department of the great metropolis. He took a special three years' scientific and engineering course at the University of the City of New York before he took up the study of medicine at the College of Physicians and Surgeons, from which he graduated in 1880. He had a two years' experience in his early medical practice at Bisbee, Arizona, 1888 to 1891.

His tastes and inclinations have gone to the sanitary work or side of his profession and to railway surgery. He is one of the Vice-Presidents of the American Climatological Association, and stood deservedly high in its councils. He was President of the Medical Board of the New York Foundling Hospital for two years and is its visiting physician, as also of the Fordham Hospital, the St. John's Riverside Hospital, the Seton Hospital for Consumptives, and consulting physician to the French Hospital.

He is Vice-President of the Section of Medico-Legal Surgery of the Medico-Legal Society, and has been one of its active officers.

He received the unanimous support of that Society for the presidency of the Health Department, and is perhaps the best qualified medical man for that work in the city. He was appointed by President Francis, of the World's Fair at St. Louis, in November last, a member of the Committee on Organization of the International Congress on Tuberculosis, and was elected, unanimously, secretary of that committee.

It is a long time since the City of New York has had a medical man at the head of the Health Department, and the city has been for years opposed to submitting it to that profession. Dr. Darlington will be popular with the medical profession, and will be perhaps the most fortunate selection for such a work that the mayor-elect could make to overcome that deep-rooted objection.

He is ardent, enthusiastic, and possessed of high ideals in his work. He will have the fullest confidence of the public.

The Women's Health Protective Association strongly supported his appointment, as did Bishop Potter.

He, like the mayor-elect, is a man, who by his life character, professional career, education, and origin has developed so splendidly. He is a thorough gentleman—an illustration of one of the rising young men of the Democratic party in whose mission to demonstrate that the Democracy of the great City of New York have men both competent, fit, and faithful to the high trusts that have been placed in their charge by the people of the city by such an overwhelming vote at the recent election.

STATE REPRESENTATION OF DELEGATES TO THE ST. LOUIS CONGRESS OF 1904.

Where there is to be sharp competition for seats as delegates from States to the American Congress on Tuberculosis at St. Louis next October, the management have been for six weeks considering a plan that will preserve equality for the larger States. There has been thus far no restriction as to State delegates, and it is important to avoid any.

But the great States of New York, Ohio, Indiana, Illinois, Pennsylvania, and Texas were substantially disfranchised in the Congress of 1902. No delegates were named for New York, Ohio, and Indiana in 1902, by their Governors, and

Pennsylvania was represented by only 17 delegates, of which scarcely one-half attended; Illinois by only 16 delegates of which only a short one-third attended or enrolled; and Texas by only 8, of which only about half enrolled.

It has been found to be impracticable, unequal, and entirely a failure, to have the State delegations in the larger States left to the choice of the Executives of the States.

A plan is now substantially completed to secure, especially in the larger States, a more perfect system and plan of selecting the State delegates, and also, as far as possible, from the various professions, so that the Bench, Bar, Medical Profession, the Public, Press, the Reverend Clergy, Legislators, and intelligent Laymen can take part in the discussion and solution of these problems.

The Board will designate Vice-Presidents of States, or committees, to act in the selection of delegates, especially in the medical profession, from among those who are in sympathy with the aims and purposes of the Congress, and who will consent in writing to accept such appointments and act with the Congress.

The indications are overwhelming already that the Congress at the St. Louis Exposition will be extraordinarily large, and that some limit may have to be fixed. The membership dues of the Congress for 1904 will be only \$1.00, but this will not entitle members to the Bulletin of 1904, which has not yet been arranged for, but provision has been made that every member or delegate of the Congress will be entitled to receive the whole of Vol. 21 of the Medico-Legal Journal, commencing with January number, 1903, who remits half price for same, or \$1.50, until further notice.

THE WIFE BEATER.

When a great journal like the *American* espouses the cause of that large army of unfortunate women of our

metropolis, who have suffered and sat desolate and without hope ; so long without comfort, without relief, ending in silence and anguish unmeasurable, and which has never found words, is it not a good omen that relief indeed may come and be near ?

The present system of punishment of the wife-beater is a mockery, wholly inadequate, not even a deterrent, and this great stream of despairing and wretched women has passed on as one of the indescribable horrors of our civilisations; and we have sat with folded hands, and have not listened to their agony, their moans, nor regarded the sufferings nor the tears that have fallen like rain into the current of this dreadful river of misery, tinged with the blood even of the most defenseless of any class of our people.

When the Earl of Shaftsbury spoke to the English Parliament, asking for a reform in the lunacy statutes of Great Britain he said that he was the advocate of a class who were the most defenseless of the human race, because they could not speak for themselves.

Who can speak for this great throng of unfortunates now suffering in such numbers in our city ?

Imprisonment is futile and useless, and worse than useless, for the wife-beater. Drunkenness, which, in nine cases out of ten, precedes and accompanies it, is, under the law, an incident and a concomitant of the crime.

The *American* will lead a movement for legislation to punish the brute who beats his wife, with a force stronger than his own.

Force for force, blow for blow. The sufferers cannot help. They can only suffer and wait.

If the cat on the bare back of the wife-beater can arrest, even for a time, this great evil ; if it can save the tears and the anguish and the sufferings of one poor wife and one sorrowing mother, let us welcome the lash, and venerate the

State of Delaware that has saved the whipping post, as an emblem of humanity to the great army of unfortunate women, who, with glad hearts, would suffuse it with their tears and look upon it with a devotion second only to that felt for the Cross itself.

In humanity's name, and in the name of woman, and of motherhood, let us exclude wife beating from our criminal court calendars, because, as it was said by Governor Briggs, of Delaware, to the writer, he had never, in his long life, seen a white man come back the second time to the whipping post.

THE NEW MAYOR.

George B. McClellan will go into the Mayor's chair with the great heart of the city behind him.

He commands the admiration, and will have the confidence of the masses.

The son of a gentleman; of a great soldier; his mother the daughter of Genl. Marcy, he comes of a stock that can be trusted, and the pledges he gave the people in the canvass came from the heart, and will be kept as the guiding star of his policy and his official career. Absolutely untrammelled by pledges, he is indeed, or will be, the Mayor of the people who elected him.

While he will never be recreant to any legitimate duty that he owes to the Democratic party, there will never come a day that he would let the claims of the partisan rise above the higher duty that he pledged to exercise in the best interests of the people on any great question, involving what he deems his public duty as affecting the rights and welfare of the great masses of the people.

The calumnies which colored the campaign, as to his future career and his acts as a public official, were fully vindicated at the polls. He will make them still more conspicuous by

his official life. He is in his heart a Democrat, and there is a gulf wider than that which divided Lazarus and the rich man between his views of the rights and welfare of the poor and struggling young man of the common people, as Mr. Lincoln classed them, and that of his predecessor.

There could be no great sympathy between the masses of the poor and the plain people and Mayor Low. His phylacteries were too wide and broad, and his prejudices too deep for that. He was above and not of them.

As Mayor, George B. McClellan will be the idol of the plain people of the city, and the opening days of his administration will make this manifest to all our citizens. The scurrilous assaults made in the heat of the canvass, and the fears expressed, and doubts engendered will be dispelled.

Men of all parties and shades of thought will flock to the standard of the new Mayor. His own motives and the aims of those who advise him will appear in a better light, and New York may, as she will, rejoice in that change of administration which seemed to be the strongly expressed desire of the popular will of our citizens.

THE ANNUAL BANQUET OF THE MEDICO-LEGAL SOCIETY.

The installation of the officers-elect of the Medico-Legal Society will take place on the evening of January 20, 1904.

It will be in charge of a committee of arrangements, the details of which will be announced by circulars to members and in the public press.

THE NEW YORK COURT OF APPEALS.

The legal profession is reminded that a new group of the New York Court of Appeals, taken from recent portraits

furnished by the Judges on that Bench in 1903, in judicial robes, suitable for framing for office use, is ready for delivery, and can be obtained by addressing the editor of this Journal. Similar groups of the 2d, 3d, and 4th Appellate Divisions can be obtained in the same manner.

A small group of all judges of the Supreme Court in 1902 in the First Judicial District was the frontispiece of the September number, which can be likewise obtained by the profession. Suitable for framing.

FREDERICK R. COUDERT.

The passing of Frederick R. Coudert removes one of the most brilliant of the orators of the Bar of the City. Witty, graceful, of pleasing and most agreeable manners, his place cannot readily be filled. He combined that ability which enhanced the powers of a great advocate before a jury with the strength of a wise counsellor, and a discreet adviser.

He was an incomparable after dinner speaker.

He was a safe counsellor for the government of his country on high questions before international tribunals on governmental commissions. Never seeking political preferment, he was one of the ablest private counsel to whom his brothers of the bar could go for advice in international cases, and the Bar loses one of its greatest ornaments, as he passes out of the realm of activity.

LEGISLATIVE MEASURES.

There are measures to be presented to our next legislature which require organized and careful preparation.

1. The abolition of the Coroner's office.

This legislation failed last year, although conceded to be necessary, wise, and proper, by the unfortunate situation of Senator Elsberg, who had it in charge.

2. The reform in Lunacy Legislation.

3. The restoration of the Cat for Wife Beaters.

If those who are interested in these measures will send names and addresses to the editor of this journal, they will help to unite the forces for legislative work.

NOTICE TO MEMBERS.

To Members of the Medico-Legal Society, Active, Corresponding, and Honorary:

The superb, the splendid recognition and sympathetic action of the Government of the United States in favor of the American Congress on Tuberculosis, founded by the Medico-Legal Society in 1900 and held annually since under its auspices, with the like endorsement and similar action by the management, the Universal Exposition at St. Louis, 1904, in placing the Congress on its list of International Congresses for Oct. 3, 4, and 5, 1904, and in creating a Committee of Organization from its prominent officials and promoters, is the highest and most conspicuous recognition that has ever been given to the labors of the Medico-Legal Society.

The management of the International Congress asks of the Medico-Legal Society that its members of all classes, active, honorary, and corresponding, with all the members of its various sections, amounting to nearly 1800 names, sustain the International Congress on Tuberculosis to be held at the St. Louis Exposition next October, by enrolling as members of the body, which can be done at \$1.00 each, whether you are able to attend or not, as a recognition on your part of the strong sympathy extended to our labors by the Government of the United States and the management of the Universal Exposition, St. Louis, 1904.

CLARK BELL,

President Medico-Legal Society.

Dec. 30, 1903.

NOTES ON TUBERCULOSIS.

For the International Congress on Tuberculosis to be held under the auspices of the Universal Exposition and of the American Congress on Tuberculosis, at St. Louis, October 3d, 4th and 5th, 1904.

[Continued from page 265 September No. of Journal.]

AMERICAN CONGRESS ON TUBERCULOSIS.

Office of the Secretary, 116 Nassau St., New York.

To the Editor of the Medico-Legal Journal.

Dear Sir:—I enclose a communication from Prof. Thomas Bassett Keyes, M. D., of Chicago, Ill., one of the vice-presidents at large of the Congress.

Dr. Keyes has been a vice-president of the Congress from its organization in 1900, and was one of the earliest members, and familiar with the early history and labors of the body, and his letter ought to have great weight with members of the medical profession who claim that movements of this character should be limited to medical men alone. Prof. Keyes is a specialist in cases of tuberculosis and a physician of high character and large experience in cases of consumption and diseases of the lungs, and I hope you will give his letter publicity.

Respectfully yours,

SAMUEL BELL THOMAS, Secretary.

Chicago, Ill., October 22, 1903.

Dr. Samuel Bell Thomas, 290 Broadway, New York.

Respected Colleague:—Your letter of July 27th regarding the American Congress on Tuberculosis, was received during my vacation, and on looking over some papers I see that it was unanswered. I trust my delay will be pardoned as I shall take great pleasure in working with the Congress and be pleased to contribute a paper at its St. Louis meeting. I wish to say that I am very much in sympathy with the Congress as it now stands, believing in a very wide scope that will take in every one who is interested in the subject: layman, physician, lawyer, and especially people of prominence, influence and standing, for as much or more aid in this great humanitarian work will come through them. It was on these broad lines that the early societies for the study and prevention of tubercu-

losis were formed, such as the International Anti-Tuberculosis Congress, which opened in the presence of the Queen and King of Italy, at the San Carlo Theatre, Naples, April, 1900, and even conservative England and her medical profession recognized the necessity of interesting people of prominence to aid in the war against tuberculosis, for in the British Congress of Tuberculosis held in 1901, the organizing council contained such names as Lord Strathcona, Sir James Blyth, Sir Ernest Clark and many more, with the Earl of Derby as president. The chairman, in opening the proceedings, said that the enemy which they had to combat was ignorance, and that enemy must be combatted by the same remedies as the disease which so frequently sprang from it. The remedies were light and air—the light of science, the fresh air of public opinion. The Duke of Northumberland moved the first resolution, which was as follows: "In view of the fact that tuberculosis, although a preventable disease, still devastates health and destroys lives in all parts of the world, this meeting consisting of representatives of medical, veterinary, and also principle officials of municipal and county authorities, is unanimously of the opinion that representatives from India and dependencies of the Empire should be invited, and in addition honored guests from other countries."

As chairman of the first organizing committee of this Congress, I may say that it was upon these broad lines that the Congress was intended, and I can see no reason why any member of the medical profession should narrow his views and take exception to this liberal policy, nor how anyone could think to look for a re-organization of the Congress, for it is only upon broad lines that we can expect to successfully war against tuberculosis and stamp it from our midst.

This Congress owes its honor of organization more to Clark Bell, Esq., of New York City, then to all other members combined. It has been through his great efforts and great organizing ability that has given and sustained its life.

Very sincerely,

THOMAS BASSETT KEYES.

CALIFORNIA.

The Governor of California sends the following letter:

Sacramento, October, 12, 1903.

Mr. Clark Bell, Chairman Executive Committee, 39 Broadway N. Y.

My Dear Sir:—Answering your circular letter of September 15th, which I find on my desk on my return to the Capitol. I shall be glad to co-operate, in any way, to control, and if possible, eradicate the scourge of human tuberculosis. And, to that end, will be glad to appoint, at the proper time, delegates to take part in the Congress to be held next year in St. Louis.

If it will benefit the movement you have inaugurated to have me as one of the Honorary Vice-Presidents of the Congress, I shall be very glad to be made one. Kindly send me, from time to time, such literature as you may think will be of interest.

Very truly yours,

GEO. C. PARDEE, M. D., Governor of California.

FLORIDA.

Surgeon R. D. Murray is one of the Vice Presidents of the American Congress on Tuberculosis elected in 1902, and re-elected at the annual meeting of the Congress in 1903.

He is, and has been for many years, a member of the Medico-Legal Society and took a great interest in the founding and organization of this body. The subjoined correspondence shows the interest in the State of Florida in the success of the St. Louis Congress of 1904:

Key West, Fla., August 18, 1903.

E. J. Barrick, M. D., Toronto, Ontario.

Dear Doctor:—In congratulating you on your acceptance of the presidency of the St. Louis Congress on Tuberculosis, I wish to express my regret that I did not hear more of your address at the New York Congress in June, 1903.

The muddling over non-admission of so-called laymen distracted me. I fancied then that we have more medicine than we can use and only need the money of laymen to fairly further the good work. I needed to know more of what you spoke, i. e.: the emulation of monied men in providing sanatoria for those who are sick now, and intended to write you for some data which I might use on our own wealthies, but I was much engaged after my return, and then for six months or so was incapacitated by illness.

The Medico-Legal Journal is not coming to me, although I have been a member of the Medico-Legal Society for twenty years, and thus I was not informed of the Bell-Brown imbroglio. I have proposed long ago to the State Health Officer, Dr. Porter, to have at least two tent camps for our own people, and supported by the State or local money. Dr. Huddleston, of Miami, desires to have the nation pay the bills. I do not propose to ask you for details in munificence now, but to assure you that I will try to watch your work in the hope of helping my people. Although in public service I go on my own lines locally.

Yours sincerely,

R. D. MURRAY,

LOUISIANA.

Governor Beard, of Louisiana, while in full sympathy with the aims and purposes of the congress, feels a delicacy in naming the delegates for the Congress of 1904, for the reason that his term expires shortly, and he hesitates to take upon himself duties that might more properly belong to his successor. His letter is as follows:

Baton Rouge, October 5, 1903.

Mr. Clark Bell, Chairman American Congress on Tuberculosis, 39 Broadway, New York.

Dear Sir:—I am directed by His Excellency, Governor Heard, to acknowledge receipt of your communication of September 15th, requesting his sympathy and co-operation in promoting the Congress to be held at St. Louis, October 3-5, 1904.

The Governor desires to assure you that he is heartily in accord with the noble and humane purposes of your organization, and would be glad to lend his assistance towards its success. He suggests, however, that inasmuch as his term of office as Governor is about to expire, the most good could be accomplished, in the several directions indicated by you, by enlisting the co-operation of his successor, who will be elected in the early part of next year. The date of the Congress being so far distant, the Governor feels that any effort he might make at this time, towards its success, would not be fruitful of the best results. With respect, I am,

Yours truly,

EDW. A. PIKE, Acting Private Secretary.

MISSISSIPPI.

We are glad to announce the delegates from the State Medical Association, of this State. We enclose the letter of the President of the State Medical Association :

Pontotoc, Miss., Dec. 19, 1903.

Hon. Clark Bell, New York.

Dear Sir:—As Requested by Dr. E. J. Barrick, President of the American Congress on Tuberculosis, I send to you the names of delegates from this State:

Dr. H. F. Garrison, Seminary.
Dr. L. W. Crigler, Columbus.
Dr. C. M. Taylor, Corinth.
Dr. R. M. Sadler, Okolona.
Dr. W. C. Spencer, Verona.
Dr. W. W. Robertson, McComb
City.
Dr. C. Kendrick, Kendrick.

Dr. A. J. Hall, Natchez.
Dr. R. E. Howard, Durant.
Dr. G. Y. Gillespie, Duck Hill.
Dr. L. T. Fox, Water Valley.
Dr. E. A. Cheek, Arcola.
Dr. D. W. Coker, Tunica.
Dr. W. H. Arnold, Eupora.

With best wishes for the success of this Congress, I am

Yours truly, etc.,

C. D. MITCHELL.

MONTANA.

The State of Montana will sustain the American Congress on Tuberculosis splendidly. Her Governor sends the following letter to the chairman of the Executive Committee:

Helena, Montana, September 29, 1903.

Dr. Clark Bell, Esq., 39 Broadway, New York.

Dear Sir:—I enclose herewith list of delegates appointed this day by me to represent the State of Montana at the American Congress on Tuberculosis, to be convened in the city of St. Louis, Missouri, in October, 1904.

Yours very truly,

J. K. TOOLE, Governor.

Montana delegates to the American Congress on Tuberculosis, World's Fair, at St. Louis, 1904.

Dr. Wm. C. Riddell, Helena.	Dr. T. J. Murray, Butte City.
Hon. Theo. Brantly, Helena.	Dr. W. D. Kingsbury, Dillon.
Hon. Wm. L. Holloway, Helena.	Dr. F. B. Atkinson, Fort Benton.
Hon. W. W. Dixon, Butte City.	Dr. R. W. Getty, Glasgow.
Hon. Geo. R. Milburn, Helena.	Dr. John H. Hunt, Glendive.
Hon. B. P. Carpenter, Helena.	Dr. E. B. Patterson, Granite.
Dr. T. D. Tuttle, Helena.	Dr. L. Southmayd, Great Falls.
Dr. B. C. Brooke, Helena.	Dr. Gowan Ferguson, Great Falls.
Dr. E. I. Bradley, Helena.	Dr. F. J. Adams, Great Falls.
Dr. T. J. McKenzie, Anaconda.	Dr. F. E. Buchen, Hamilton.
Dr. James Chapple, Billings.	Dr. J. S. Almas, Havre.
Dr. J. H. Rinehart, Billings.	Dr. A. D. McDonald, Kallispell.
Dr. A. L. Ward, Boulder.	Dr. Fred. Treacy, Lewistown.
Dr. Jas. F. Blair, Bozeman.	Dr. W. W. Andrus, Miles City.
Dr. E. D. Leavitt, Butte City.	Dr. J. J. Buckley, Missoula.
Dr. Thos. J. Sullivan, Butte City.	Dr. Geo. H. Putney, Missoula.
Dr. John McIntyre, Butte City.	Dr. E. T. Lutz, Red Lodge.
Dr. Louis Bernhiem, Butte City.	Dr. R. D. Alton, Livingston.

NEW JERSEY.

The Secretary has received the following communication from the Governor of New Jersey:

September 25, 1903.

Mr. Samuel Bell Thomas, Secretary, 116 Nassau St., New York.

Dear Sir:—Governor Murphy desires me to inform you that he has appointed as delegates from New Jersey to attend the American Congress on Tuberculosis to be held at the World's Fair in St. Louis, October 3, 4 and 5, 1904, the persons named in the enclosed list.

Yours very truly,

JOHN L. SWAYZE, Secretary.

LIST OF DELEGATES TO REPRESENT NEW JERSEY AT THE AMERICAN CONGRESS ON TUBERCULOSIS, 1904.

Dr. C. T. Brackett, Princeton.	Dr. James S. Green, Elizabeth.
Dr. Laban Dennis, Newark.	Dr. O. H. Sproul, Flemington.
Dr. Henry Mitchell, Asbury Park.	Dr. Austin Scott, N. Brunswick.
Dr. Henry W. Elmer, Trenton.	Mr. Edwin A. Stevens, Hoboken.
Dr. Charles J. Kipp, Newark.	Mr. F. L. Shepperd, Newark.
Dr. Elmer Barwis, Trenton.	Dr. John D. McGill, Jersey City.
Dr. W. S. Jones, Camden.	Dr. Stephen Pierson, Morristown.

WEST VIRGINIA.

This State has always taken a deep interest in the contest against tuberculosis. Governor Albert B. White has stood foremost among the Governors of the American States who have spared no pains to hold up the hands of the officers of the American Congress on Tuberculosis. He writes as follows:

Charleston, W. Va., October 9, 1903.

Clark Bell, Esq., Chairman Executive Committee, 39 Broadway, New York City.

Dear Sir:—Acknowledging receipt of your letter of last month, and in reply thereto, I have the honor to enclose a list of thirty-

five delegates appointed by me upon your request, to the fourth session of the American Congress on Tuberculosis, to be held at St. Louis, October 3, 4 and 5, 1904. I am with respect,

Very truly yours,

ALBERT B. WHITE, Governor.

List of delegates appointed by Governor Albert B. White, of West Virginia, to the Fourth Session of the American Congress on Tuberculosis, to be held at St. Louis, October 3, b and 5. 1904.

Dr. H. A. Barbee, Point Pleasant	Dr. C. L. Muhleman, Parkersburg
Dr. T. L. Barber, Charleston.	Dr. J. M. McLoughlin, Addison.
Dr. H. M. Brown, Union.	Dr. Jessie C. Norris, Fairmont.
Dr. H. J. Campbell, Glenwood.	Dr. Coale Price, May Beury.
Dr. O. O. Cooper, Hinton.	Dr. Joseph L. Pyle, Bearsville.
Dr. Wm. A. Cracraft, Elmgrove.	Dr. Chas. W. Riggs, Cameron.
Dr. Frank T. Dare, Wellsburg.	Dr. W. B. Robertson, Concho.
Dr. N. L. Edwards, Bluefield.	Dr. I. R. LeSage, Huntington.
Dr. W. W. Golden, Elkins.	Dr. W. H. Sands, Fairmont.
Dr. H. F. Gamble, Charleston.	Dr. Cliff. Sperrow, Martinsburg.
Dr. A. S. Grimm, St. Marys.	Dr. H. B. Stout, Parkersburg.
Dr. H. D. Hatfield, Thacker.	Dr. W. J. Davidson, Parkersburg
Dr. I. N. Houston, Moundsville.	Dr. S. A. Washington, Sewell.
Dr. S. L. Jepson, Wheeling.	Dr. G. R. White, Williamson.
Dr. E. J. Johnson, Middlebourne	Dr. W. T. Willey, Morgantown.
Dr. G. W. Knapp, Richlands.	Dr. John M. Yeager, Marlinton.
Dr. Geo. Lounsbury, Charleston.	Dr. H. H. Young, Charleston.
Dr. R. L. Morrison, Clarksburg.	

WISCONSIN.

Dr. Hugo Philler, Health Commissioner of Waukesha, Wisconsin, and one of the foremost sanitary authorities of the State, accepts the position of Vice President of the Congress for that State. His letter is as follows:

Waukesha, Wis., October 4, 1903.

Clark Bell, Esq., Chairman Executive Board, American Congress on Tuberculosis, 39 Broadway, New York.

Dear Doctor:—I have the honor to acknowledge the information of my appointment to the position of vice-president for the State of Wisconsin, of the American Congress on Tuberculosis. I cheerfully tender my acceptance of the office and will fulfill all duties connected with the office to the best of my abilities.

Very faithfully yours,

HUGO PHILLER.

UNIVERSAL EXPOSITION, ST. LOUIS, 1904.

St. Louis, U. S. A., October 1, 1903.

Mr. Clark Bell, 39 Broadway, New York City.

Dear Sir:—In pursuance of the policy of this Exposition to promote international congresses of Science, Arts and Letters to be held in conjunction with the International Exposition, St. Louis, 1904, I beg to inform you that the committee on congresses has decided to authorize the holding of an International Congress on Tuberculosis, and that the promotion of said Congress has been

placed under the charge of the committee of organization recommended by the American Congress on Tuberculosis, and appointed by us under date of September 4, 1903.

Very truly yours,

HOWARD J. RODGERS.

Department of State, Washington, Nov. 6, 1903.

Clark Bell, Esq., Chairman, etc., American Congress on Tuberculosis, 39 Broadway, New York.

Sir:—I enclose for your information copy of a despatch from the Ambassador at London, stating that the British Government has transmitted to the Governments of Canada, New Foundland and all the British possessions in this Hemisphere, the invitation to take part in the forthcoming Congress on Tuberculosis. I am, sir,

Your obedient servant,

F. B. LOOMIS, Assistant Secretary.

American Embassy, London, Oct. 26, 1903.

Sir:—Referring to your unnumbered instruction of the 16th ultimo, I have the honor to enclose herewith copies of a note which I addressed on the 28th ultimo to the Marquess of Lansdowne relative to the American Congress on Tuberculosis, which is to be held at St. Louis on the 3rd, 4th and 5th of October, 1904, and of His Lordship's reply, from which you will see that a despatch has been addressed to the officers administering the governments of the Colonies mentioned in your instruction, intimating that His Majesty's Government sympathize with the object which the promoters of the Congress have in view, and have no doubt that the invitation will receive the careful consideration of the governments concerned. I have the honor to be, Sir,

Your obedient servant,

JOSEPH H. CHOATE.

The Honorable John Hay, Secretary of State.

American Embassy, London, Sept. 28, 1903.

My Lord:—I have the honor to inform you that the State Department is advised by the Director of International Congresses of the Universal Exposition to be held at St. Louis in 1904, that the American Congress on Tuberculosis has been placed on its list of official Congresses, and that the dates for said Congress will be October 3rd, 4th and 5th, 1904.

The Department is also advised by the chairman of the Committee on Organization of the Congress, that the Executive Committee and officers of the Congress have sent to the government of each American country, including Canada, Newfoundland, and all the other British possessions in the Western Hemisphere, an invitation for official representation by each of such governments in the Congress, and a request is made of the Department to give such support to the invitation as it properly may.

The humanitarian object which this Congress has in view to reach by the discussion of scientific men, some result in averting and arresting the spread, as far as possible, of the ravages of this dreadful disease which now falls with such terrific force and fatality upon the people of the Western Hemisphere, cannot but enlist the sympathy and approval of the Governments referred to.

I am, therefore, requested by my government to advise your Lordship that it is in entire sympathy with the work of the proposed Congress, and would be pleased to learn that the governments of

the Dominion and the other British possessions took a like interest in its success, and that each of those governments would manifest its interest by accepting the committee's invitation, and appointing three or more scientific gentlemen to represent it at the Congress.

My government would also be pleased if those governments could find it convenient to give the matter publicity as requested by the Committee, in order that it may come to the knowledge of interested organizations and public spirited citizens. I have the honor to be, with the highest consideration, etc., etc. etc.

JOSEPH H. CHOATE.

The Most Honorable, the Marquess of Lansdowne, K. G., etc. etc.

Foreign Office, October, 19, 1903.

Your Excellency:—With reference to your note of the 28th ultimo, relating to the invitations to certain British Colonies to send representatives to the Congress to be held at St. Louis in October next, I have the honor to inform Your Excellency that despatches have been addressed to the officers administering the governments of the colonies in question, intimating that His Majesty's government sympathize with the object which the promoters of the Congress have in view, and have no doubt that the invitation will receive the careful consideration of the Governments concerned. I have the honor to be, etc., (for the Marquess of Lansdowne), His Excellency, the Hon. J. H. Choate. F. A. CAMPBELL.

AMERICAN CONGRESS ON TUBERCULOSIS.

Dundee, N. Y., Aug. 21, 1903.

Sir:—Howard J. Rogers, Esq., Director of Congresses, telegraphs me to day fixing October 3, 4 and 5, as the dates of the American Congress on Tuberculosis for 1904, at the St. Louis Exposition, and asks me to notify you.

I have accepted these dates and ask you take notice of same, and give me your official action so that I can send it out to the foreign governments and the press. With great respect,

Very faithfully yours,

CLARK BELL, Chairman Ex. Com.

To Hon. John Hay, Secretary of State, Washington, D. C.

St. Louis, U. S. A., August 22, 1903.

Mr. Clark Bell, Dundee, New York.

Dear Sir:—Your telegram of the 21st received this morning, and in accordance therewith I have reserved for the International Congress on Tuberculosis October 3, 4 and 5, 1904, for the date of their meeting. I have also notified the Department of State to that effect.

Yours respectfully,

HOWARD J. ROGERS.

PROVINCE OF ONTARIO.

His Worship Mayor Beck of London, on the 30th of September, 1903, sent to the President a letter, of which enclosed is a copy:

Mayor's Office, London, Ontario, Sept. 30, 1903.

Dear Sir:—I am directed by His Worship, the Mayor, to acknowledge the receipt of your favor of the 20th inst., and to convey through you to the council and board of officers, his sincere thanks

for the honor you have done him in appointing him to the position of Vice-President for the Province of Ontario, and which he is pleased to accept.

Enclosed herewith you will find express order for \$2.50, being \$1.00 for membership fee, and \$1.50 for the proceedings of the annual meeting of June, 1903. I remain

Your obedient servant,

C. B. EDWARDS, City Clerk.

To E. J. Barrick, Esq., M. D., President American Congress on Tuberculosis, Toronto, Ontario.

Toronto, August 27, 1903.

R. D. Murray, M. D., Medical Officer in Command, Office of Marine Hospital Service, Key West, Florida.

Dear Doctor:—I am in receipt of your letter of 18th inst., and it is very encouraging to me, and of much help to this great humanitarian movement to know that men in such high positions as you occupy take an interest in this great work.

I may say that the foundation of our Canadian Association for the prevention of consumption and other forms of tuberculosis, was laid broad and deep. We are assured of the co-operation of medical men, lawyers, statesmen, philanthropists, leaders in municipal government, in fact of representative men of all classes, so as to bring the movement in touch with the whole people. All our local organizations are upon the same common basis, so that any one looking at the list of officers, delegates, etc., will at glance see that it is not a purely medical association. Herewith I enclose a copy of the transactions of the last meeting of our National Association. While the membership of our organization has thus widened, our main efforts have been and is the gathering together of all the available forces, marshall them in one grand army and concentrate the efforts upon two practical and attainable ends. We are endeavoring to harness up the federal and provincial and municipal governments, and individual philanthropy in order to educate public opinion, so as to have and to enforce such sanitary measures as will raise public health to a higher plane, to fortify the system against not only the germs of tuberculosis, but the germs of other diseases, and will better prepare it for repairing the ordinary and extraordinary wear and tear of the conflict of life. Secondly, upon bringing a municipal sanatorium within reach of every consumptive in every county municipality. The act respecting such you will please find enclosed, and the enclosed clipping will show what our National Medical Society thinks about it.

The reason I have taken an active part in the American Congress on Tuberculosis is because Clark Bell, LL. D., and his associates, have laid the foundation of that organization on equally broad lines, and are concentrating efforts in a similar direction, and the attempt that was made in 1902 to narrow its foundations and restricting it merely to a medical association, run strictly on medical lines, met with my determined opposition, and what I said then I repeat now, just as soon as the public generally look upon the Congress as a strictly medical society, its usefulness would be killed, as the public would say, this is not in touch with us, it is a medical society.

Instead of narrowing the foundation we are on the other hand widening out so as to get the American Federal, State and municipal government interested by having representatives at the Congress,

especially municipal representatives, as they come more closely to the people who are to be benefitted, and who largely will have to furnish the means to carry out the work.

I hope, therefore, from what I have thus hurriedly written, I may have your approval of my acceptance of the Presidency, and that I may have your sympathy and co-operation in making the Congress at St. Louis, on October 3rd, 4th and 5th, one of the best that has yet been.

I must apologize for the length of this letter but I am anxious to let you know, whether right or wrong, I am working on lines of strong conviction, and with an open mind to adopt such measures as are calculated to be the most potent in checking the spread of this dread disease.

Yours truly,

E. J. BARRICK.

Dr. E. J. Barrick, of Toronto, who has been elected President of the American Congress on Tuberculosis at its annual meeting in June, 1903, at New York, moved a resolution at the evening session urging the introduction by municipalities of municipal sanitarium for consumptives, in accordance with the Ontario Act respecting the same, and requesting that members of the association use their efforts locally to this end, thereby rendering possible government and municipal aid, and co-operation in the work.

In addressing the convention, Dr. Barrick said that any effort to check the spread of tuberculosis must always make adequate provision for the poor. The legislature had passed the act for municipal institutions because any attempt to bring the afflicted to one central place in a province was useless. He, however, did not believe in compulsory action, such as forcing such an institution on any municipality against the wishes of its taxpayers. "In discussing this matter," said Dr. Barrick, "we must ever keep before our minds the fact that the fight against tuberculosis is primarily a campaign of popular education." The passing of the act in 1900 by the Ontario legislature was the first step toward success, the government pledging co-operation in every case to the extent of one-fifth of the cost of land and buildings, and \$1.50 for each patient weekly. The second would be gained when the first municipality provided for the erection of a sanitarium by the vote of its rate-payers. "In Toronto," said the speaker, we have encountered terrible head winds." Referring to the injunction that was granted restraining the Council from voting on this question, the speaker considered that the amendment to the act making it proper to submit it to general vote, was a point gained.

Dr. Barrick then read over for the instruction of other municipalities the conditions that the City Council of Toronto had agreed to for a \$50,000 building, but were prevented from carrying out.

He thought if this sanitarium relief was furnished and a campaign of education regarding general sanitary measures continued, that in five years the mortality from the disease would be reduced 20 per cent., and concluded by saying:

"A municipal sanitarium in each county municipality would be an important local educator, and as the mind of the public became seized of its importance, patients would more readily be persuaded to take advantage of a local institution, where they would not nec-

essarily pass out of the care of their own physician, and not out of the reach of their friends, and where their chances of cure and improvement would be greatly increased and the spread of the disease to their friends and the public generally would be materially checked."

The resolution was seconded by Dr. R. W. Powell, of Ottawa, and was supported by Rev. Dr. W. Woore, of Ottawa. It carried unanimously.

It is generally understood that the next meeting of the association will be held in Vancouver, B. C.

ANNOUNCEMENT.

The chairman of the Committee on organization of the International Congress has sent out the following letter to the officials of the Congress and to the Medical Journals, so as to reach the officers, members and the press in advance of the Journal's issue :

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS
TO BE HELD OCTOBER 3, 4 and 5, 1904, UNDER THE
AUSPICES OF THE UNIVERSAL EXPOSITION, ST.
LOUIS, 1904, AND OF THE AMERICAN CON-
GRESS ON TUBERCULOSIS.

Office of the Chairman of the Committee,

39 Broadway, New York, Dec. 22, 1903.

My Dear Colleague:—I enclose copy of my reply to the strictures of the Journal of the American Medical Association of December 12th, which please publish.

United States Senator S. B. Elkins accepts Honorary Membership in the body. I am advised by the Government of the United States that the Government of the Argentine Republic accepts our invitation and will send delegates to the Congress.

The Governor General of the English Colony of Jamaica will also send delegates to the Congress.

Governor George C. Pardee, of California, has accepted an Honorary Vice-Presidency of the Congress.

Dr. Denslow Lewis, of Chicago, and Dr. Wm. E. Quine, of Chicago, have accepted Vice-Presidencies for Illinois, and Prof. Dr. Herman Kornfeld, of Gleiwitz, Silesia, Germany, has accepted the Honorary Vice-Presidency. He is one of the honorary members of the Medico-Legal Society.

The following Honorary Vice-Presidents have been appointed in the Dominion of Canada:

Dr. T. G. Roddick, M. P., Montreal, Quebec.

Sir William Hington, M. D., Montreal, Quebec.

Hon. Senator George A. Drummond, M. D.

James Loudon, President of the University of Toronto.

And the following Vice-Presidents at Large:

Dr. W. P. Cavan, Toronto, Ontario.

Dr. Daniel Clark, Toronto, vice Henry B. Baker, not qualified.

Dr. R. W. Powell, Ottawa, Ontario.

Dr. W. H. Moorehouse, London, Ontario, vice Dr. C. S. Wilbur, not qualified.

The provincial Vice-Presidents are too many in Canada to name here. Vide September and December numbers Medico-Legal Journal for full lists.

Hon. L. A. Emery, of the Supreme Bench of Maine, Professor of Medical Jurisprudence, and Prof. F. N. Whittier, of New Brunswick, Maine, have accepted Vice-Presidencies for Maine.

Prof. Dr. Norman Bridge, of Los Angeles; Prof. Bert Ellis, of Los Angeles; Dr. S. M. Pottenger, of Los Angeles; Dr. A. K. Foster, of Sacramento, Secretary State Board of Health, and Dr. Winslow Anderson, of San Francisco, have accepted Vice-Presidencies for California. Prof. John T. Moore, of the University of Texas, and Dr. Charles Wood Fassett, of St. Joseph, Missouri, have also accepted Vice-Presidencies for those States. Please give this publicity.

Very faithfully yours,

CLARK BELL,

Chairman Committee on Organization of the American International Congress on Tuberculosis.

CONGRES INTERNATIONALE DE LA TUBERCULOSIS, PARIS.

We are glad to be able to announce that this very powerful body, which was announced to meet in Paris, on September 26th to October 1st, 1904, under the Presidency of Prof. Brouardel, one of the Honorary Members of the Medico-Legal Society, and of whom Prof. Dr. M. Letulle, Prof. Aggerge, of the Faculty of Medicine 7 Rue de Magdebourg is Secretary, has decided to postpone its session to the year 1905. Prof. Brouardel had been advised of the action of the U. S. Government respecting the holding of the American Congress at the St. Louis Exposition, at dates, which, while although not identical, were too near each other to enable the Frenchmen to attend the St. Louis Congress or the Americans to attend the Paris Congress.

The adjournment will accommodate both bodies and enable the International Congress at St. Louis to receive the representatives of the Paris Congress as it will be invited to be represented.

There has been for many years a great desire to meet Prof. Brouardel on this side the Atlantic and it is to be hoped that he will attend the International Congress at St. Louis, on October 3d, 4th and 5th, 1904.

The adjournment of the French Congress is most fortunate and opportune. We shall take an early occasion to announce the basis of the Paris Congress on Tuberculosis, which will be divided into two Sections.

I.

(a) New Methods for the Treatment of Lupus.

(b) New Methods for the early diagnosis of Tuberculosis.

(c) Comparative Studies on the different forms of Tuberculosis.

II. THE SOCIAL SECTION.

(a) Aetiological factors in Tuberculosis.

(b) Value of different means for the Treatment of Tuberculosis.

(c) The Voluntary Insurance and the various Insurance bodies and their relation to Tuberculosis.

The Congress will also collect and hold a Museum.

We do not understand that it will consider Preventative Legislation against its spread, or the Medico-Legal questions involved in averting its spread, but we hope it will decide to discuss also these important subjects.

THE SOUTH AMERICAN GOVERNMENT OF THE ARGENTINE REPUBLIC.

We take pleasure in presenting the following communication from the American Secretary of State :

Washington, December 22, 1903.

Clark Bell, Esq., Chairman Committee on Organization, American Congress on Tuberculosis, 39 Broadway, New York.

Sir:—Referring to previous correspondence I enclose for your information copy of a despatch from the United States Legation at Buenos Aires advising the Department that the Government of the Argentine Republic will send delegates to the American Congress on Tuberculosis, which will meet at St. Louis in October next. I am,
Sir,

Your obedient servant,

F. B. LOOMIS, Acting Secretary.

Buenos Aires, November 20, 1903.

To the Honorable John Hay, Secretary of State, Washington, D. C.

Sir:—Referring to Department's unnumbered instructions of September 16, last, relative to the American Congress on Tuberculosis to be held at St. Louis, Missouri, October 3, 1904, I have the honor to inform you that on the 28th ultimo, in a note of which a copy is enclosed, I communicated to the Argentine Minister for Foreign Relations the desires of our Government with reference to the participation of the Argentine Republic in the Congress referred to, and that I am to-day in receipt of a reply from Dr. Terry, of which a copy and translation are enclosed, informing me of his Government's determination to appoint a Commission to attend the Congress. I will inform you concerning the personnel of the commission as soon as it shall have been appointed. I have the honor to be,

Your obedient servant,

EDWARD WINSLOW AMES,

Charge d' Affaires ad interim.

Mr. Ames to Minister Terry, Legation of the United States of America.
Buenos Aires, December, 18, 1903.

Mr. Minister:—I have the honor to inform Your Excellency, in pursuance of instructions from my Government, that an American Congress on Tuberculosis will be held at St. Louis, Missouri, on October 3, 4 and 5, 1904, in connection with the Louisiana Purchase Exposition, and that the Executive Committee and Officers of that Congress have sent to the Government of each American country an invitation for official representation by that Government in the Congress.

The Government of the United States of America is in entire sympathy with the work of the proposed Congress and would be pleased to learn that the Government of the Argentine Republic manifested a like interest in its success by the acceptance of the Committee's invitation, and the appointment of three or more scientific gentlemen to represent it at the Congress. The humanitarian object which this Congress has in view, viz.: to reach, by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this

dreadful disease which now falls with such terrible force and fatality upon the people of the Western Hemisphere, cannot but enlist the sympathy and approval of Your Excellency's Government.

My Government would also be pleased if that of the Argentine Republic could find it convenient to comply with the request of the Committee to give the matter publicity, in order that it may come to the knowledge of interested organizations and public spirited citizens of the Republic.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

EDWARD WINSLOW AMES,
Charge d' Affaires ad interim.

To His Excellency Senor Doctor Don Jose A. Terry, Minister of Foreign Relations and Worship, Argentine Republic.
Mr. Terry to Mr. Ames (Translation).

Buenos Aires, November 10, 1903.

Mr. Charge d' Affaires:—I have had the satisfaction of receiving your note dated October 28 last, in which, in fulfillment of instructions from your Government, you were pleased to communicate its desire that the Argentine Republic should participate in the American Congress on Tuberculosis to be held at St. Louis, Missouri, on the 3, 4 and 5 of October, 1904.

In reply I take pleasure in informing you that, in view of your courteous communication and of the humanitarian object of the Congress, the Argentine Government has determined to participate in it, as you will see by the accompanying, by virtue of which the delegates which are to represent us will in good time be appointed.

I improve the opportunity to renew to you the assurance of my distinguished consideration.

J. A. TERRY.

To the Charge d' Affaires, of the United States of America.
Department of Foreign Relations and Worship.

Buenos Aires, November 10, 1903.

In view of the communication under date of October 28 last, from the Charge d' Affaires of the United States of America, communicating his Government's desire that the Argentine Republic should be represented at the American Congress on Tuberculosis to be held at St. Louis, Missouri, on the 3, 4 and 5, October, 1904.

The President of the Republic resolves:

That the Government participates in the American Congress on Tuberculosis and that it name in good time the delegates that are to represent it.

Let it be communicated, published in the Boletín Oficial and given to the National Registry.

Roca,

This is a copy.

J. A. TERRY.

L. Ponce, Director of Section (Seal), Argentine Republic, Ministry of Foreign Relations and Worship.

THE DOMINION OF CANADA.

The Government of Canada has referred the recommendations of the English Foreign office, in respect to the delegates to the American International Congress on Tuberculosis at the St. Louis Exposition, to the member of Agriculture, Hon. Sydney Fisher. The delay in the issue of our December number will allow us to send to our readers his letter just received :

DEPARTMENT OF AGRICULTURE, CANADA.

Ottawa, Jan. 4th, 1904.

Dear Sir:—I beg to acknowledge yours of the 30th December in regard to the International Congress on Tuberculosis, to be held at St. Louis next Summer.

I have to inform you that I have recommended to the Government of Canada to send a representative to that Congress.

Yours sincerely,

SYDNEY FISHER.

Clark Bell, Esq., Treasurer American International Congress on Tuberculosis, 39 Broadway, New York, U. S. A.

TEXAS.

T. S. Bennett, M. D., former editor *Texas Sanitarian*, and one of the leading Sanitarians of the state, sends his written acceptance of the position of Vice President for that state and that he will attend the Congress. Dr. Samuel R. Burroughs, of Buffalo, Texas, has been appointed a Vice President from that state.

CANADA.

We are glad to announce that Dr. E. J. Barrick, the President of the American Congress on Tuberculosis, has gained a great victory in the City of Toronto, where he resides. The question of the construction of a Sanitarium for consumptives in Toronto, that Dr. Barrick has so strongly advocated, was submitted to a vote of the people in a most exciting election. The vote for the Sanitarium was carried by a majority of 402 votes. We congratulate Toronto and the Province of Ontario on this result and especially Dr. E. J. Barrick, to whom this victory may be largely credited.

Rev. C. S. Eby, D. D., of Bracebridge, Ontario, has been appointed Vice President at large of the American Congress on Tuberculosis and has accepted.

THE NEW PRESIDENT OF THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK.

We also have the great pleasure to announce the selection by Mayor George B. McClellan, of Dr. Thomas Darlington for President of the Health Department, who is the Secretary of the Committee on Organization of the International Congress on Tuberculosis.

Dr. Darlington's name is a sure guaranty that the interests of the medical profession has been in entirely safe hands in the organization of the American Congress on Tuberculosis.

Dr. A. N. Bell, of the Sanitarian; Dr. Nicholas Senn, of Illinois; Prof. C. H. Hughes, of St. Louis; Dr. F. E. Daniel, of the Texas Medical Journal, Dr. G. E. Tabor, Health Officer of the State of Texas; Dr. W. F. Drewry, of Va.; Dr. A. P. Grinnell and Dr. H. Edwin Lewis, of Burlington, Vt.; Dr. W. E. Morrow, of Mo.; Dr. John H. Simon, of St. Louis; with Dr. E. J. Barrick, of Toronto, as President, Dr. Thomas Darlington, as Secretary of the Committee on Organization, are members named by the management of the St. Louis Exposition of 1904, and are among those who are on its Committee on Organization. The Medical men need feel no concern, but that the interests of the Medical profession were carefully guarded without the assistance of some who are filling the Medical press with laments that they have not been selected to aid in this great work of Philanthropy. While it must not be expected of Dr. Darlington that he can give in the future much time to official work, his advice, influence and position will be at the service of the Congress.

HONORARY PRESIDENTS.

Hon. Stephen B. Elkins has been elected an Honorary President of the International Congress on Tuberculosis. He is United States Senator from West Virginia, and regards the Congress from the standpoint of the statesman, and on its sociological aspects. His name will lend great weight to the aims and purposes of the Congress. His letter is as follows:

Washington, December 19, 1903.

Mr. Clark Bell, 39 Broadway, New York.

My Dear Sir:—I thank you for your letter of the 10th instant, notifying me of my appointment as Honorary President of the American Congress on Tuberculosis.

Very truly yours,
S. B. ELKINS.

The committee on organization of the World's Fair Exposition at St. Louis, are considering the prospect of increasing the number of Honorary Presidents of the International Congress of 1904, at St. Louis. There is a strong feeling among the members of the Committee in favor of such action.

The same Committee are also considering the advisability of enlarging the Committee on Organization, and have substantially agreed upon three names from the Dominion of Canada to be added to that Committee.

We are not at liberty yet to mention names, but the propriety of adding representative men to that Committee can not be questioned.

The management of the Universal Exposition has advised the Chairman of the Committee not to recommend names, who have not promised in advance to serve, and to take unusual care in the selection of members of that committee if it is thought advisable to enlarge it.

HONORARY VICE PRESIDENTS.

The following are some of the eminent men who have accepted these positions:

The Governors of twenty-six States of the American Union who accepted that position in writing in 1902, and who were unani-

mously re-elected in June , 1903, and who have, with one solitary exception continued in that position for the forthcoming Congress in St. Louis, in 1904.

Hon. George C. Pardee, Governor of California, whose letter of acceptance has been received and who takes a deep interest in the action.

All the Lieutenant Governors of the Dominion of Canada, except of the Province of Ontario, whose untimely death has occurred, whose place has not yet been filled.

The Governor of Vera Cruz, Mexico, Hon. Theo. A. Dehesa, the Honorary Vice Presidents from the Argentine Republic, Brazil, Costa Rica, Peru, San Domingo and Uruguay all of whom were re-elected.

From the Dominion of Canada the following names have been elected Honorary Vice Presidents and have accepted. Two gentlemen of the Dominion Cabinet, Minister, W. S. Fielding, and ex-Minister, Hon. A. G. Blair.

Dr. T. G. Roddick, M. P. of Montreal.

Sir Wm. Hington, M. D. of Montreal.

Hon. George A. Drummond and Hon. Jas. Loudon, President of the University of Toronto.

SELECTIONS.

THE WHIPPING POST FOR WIFE-BEATERS.

The public sentiment in favor of restoring the whipping post for the punishment of wife-beaters is very strong.

The "American" has published two strong and powerful editorial articles, urging upon the legislation of the State, the restoration of the whipping post, as a punishment for wife beaters.

We hoped to have published both these editorials in this number, the first related, and was inspired by the terrible case of Mr. Edward Gaffney, who had spent twenty-six years of his married life in prison, and who had been convicted twelve times for beating his wife.

"When Gaffney was let out of prison the last time he was taken back by his wife into her home at No. 349 Manhattan avenue, Williamsburg. But he couldn't help beating her, and one day he broke her arm with an ironing-board and lacerated her face with a flatiron."

On his trial he was ugly and vindictive before Judge Fred. E. Crane, County Judge of King's county, and threatened his wife in the hearing of the Court to repeat it when he was discharged.

The sentence of the Court as reported in the New York "World," of Gaffney, was as follows:

"Stand up, Gaffney. In my time on the bench I have sent thousands to prison. Among them have been great scoundrels, but in passing sentence I have always had compunction, because of some mitigating circumstance.

"This time I have pleasure in pronouncing sentence on you. You have been in prison eleven times for the same offense. This is your twelfth time, and now I am going to give you the limit. You will serve five years in Sing Sing Prison and pay a fine of \$1,000, in default of which you will serve an additional 1,000 days.

"This will give your wife eight years of freedom from you, as I do not believe any one is so mean as to pay your fine, and if you are so fortunate as to be again liberated, I warn you not to come back to Brooklyn. You are not wanted here and if you ever come before this court again I shall send you to prison for the rest of your life under the habitual criminal act. I regret that the law

does not permit me to commit you for life on the present sentence. But I am pleased to give you the maximum sentence the law provides."

In the unanimous and spontaneous applause which followed Gaffney stood like a sullen bull, his head lowered and his eyes glowing through his brows at the Judge.

If we can secure copies of the editorials of the "American" on this subject, we shall reproduce them in this number, the delay in the issue of which has enabled us to produce the following quotations from the public press. If unable to do so we shall reproduce them in our next number.

The following is from the New York "World":

In sentencing James Meade to Sing Sing to-day for four years and six months for having shot at his blind father, Judge Newburger in the Court of Quarter Sessions said:

"I regret the law does not permit of a heavier sentence. I often believe that if the whipping post were the penalty there would be fewer of these kinds of crimes."

Meade is a truck driver, and the day after Christmas he shot at his father, who is totally blind. He pleaded guilty, and his mother made a plea for clemency, but Meade already had served six months on the island for whipping both his father and his mother, and Judge Newburger paid no attention to the mother's plea.

In the same issue of the New York "World" the following notice appeared:

"I love my wife and therefore could not have treated her in that way," said Martin Dunphy, thirty-eight years old, of No. 1877 Second avenue, when arraigned in the Harlem Police Court today charged with beating Mrs. Anna Dunphy, his wife.

The woman appeared in court swathed in bandages on her head, arms and neck. Neighbors testified that Dunphy had thrown his wife down a flight of stairs, struck her in the left eye and kicked her into insensibility.

"So you love your wife," said Magistrate Zeller, gazing at the unfortunate woman. "A very strenuous kind of a love," and he held the prisoner in \$500 bail for trial.

The columns of the daily press publish these terrible cases.

They are of daily occurrence in the Police and Magistrate's Courts.

These are not isolated cases but are of constant occurrence.

The AMERICAN of New York City, in a recent editorial published since those formerly spoken of says:

That was a good, hearty speech from the Bench which Judge Aspinwall delivered when he sentenced Edward Gaffney to five years' imprisonment and a fine of \$1,000—the law's limit for wife-beating.

Gaffney has spent eleven other terms in jail, the longer part of his worthless life, for the same offence. He has blinded his hapless wife, and at various times broken her bones.

"I have sentenced hundreds of men," said the Judge to the scowling prisoner, "and can't say that I ever did so with pleasure, but in this instance it really is a pleasure to give you the maximum penalty, which you richly deserve. It will make your wife, now over fifty years of age, free from your brutality for some time, and may deter other so-called human beings who are brutes from following your example."

How much has it cost the public to board and clothe and lodge this ruffian during all the years he has been behind the bars? A good many thousand dollars, doubtless—all of which would have been saved had the State a whipping post for the punishment of the cowards who are guilty of crimes of cruelty against women and children.

The lash is the right thing for all such. Fear of it would restrain them as no prospect of imprisonment can.

The AMERICAN again offers Edward Gaffney to the New York Legislature as a powerful argument in favor of the whipping post.

NOTICE.

The management of the International Congress on Tuberculosis will endeavor to make arrangements for reduced rates of transportation for members and delegates to the International Congress of St. Louis with privilege of time for remaining in the United States before and after the sessions of October 3d, 4th and 5th, 1904. All those intending to come from Great Britain, the Continent, and the Republics of the Western Hemisphere, will do well to communicate with the Editor of this JOURNAL respecting transportation before closing elsewhere. We shall endeavor to have some further data before our next number.

AN IMPORTANT ADVANCE IN SURGICAL SCIENCE.

The development in the science of surgery seems to tend more and more to specialism, and this is illustrated by the establishment of such institutions as the Liquid Air and X-Ray Institute, 537 Fifth Avenue, New York. This Institution has been established solely for the purpose of treating malignant and non-malignant diseases of the skin by the use of Liquid Air the Roentgen and Finsen rays and radium.

The general practitioner has neither the appliances nor the experience to properly handle these potent and therapeutic agents and will doubtless welcome the establishment of such an Institution in the metropolis.

The operating rooms are at the disposal of physicians by appointment.

Dr. A. Campbell White, for some years expert diagnostician for the Board of Health, and who introduced the use of Diphtheria Antitoxin in this country, is the Medical Director and is assisted by a consulting staff made up of the foremost specialists in the city.

JOURNALS AND BOOKS.

HOME AND DOMESTIC MEDICAL JOURNALS.

Notices of articles from leading medical journals and magazines, without reviews, names of authors and titles from November and December numbers, 1903:

AMERICAN MEDICINE, Philadelphia, December 19.

"The Finsen Light and Roentgen Rays in the Treatment of Diseases of the Skin." Jay F. Schamberg.

"The Diagnosis of Trichiniasis." William F. Cheney.

"Perforated Gastric and Duodenal Ulcers; with a Report of Four Cases Operated On." John H. Gibbon.

"The Influence of the Municipal Milk Supply on the Deaths of Young Children." George W. Goler.

"Indications for Operations on the Gall Bladder and Bile Ducts." Randolph Winslow.

"The Recent Epidemic of Smallpox in California." Daniel Crosby.

BOSTON MEDICAL AND SURGICAL JOURNAL. December 17.

"Malaria and Mosquitoes of Worcester. A Year's Observations on the Habits of *Culex* and *Anopheles*." (To be continued.) William W. McKibben.

"Some Cases of Facial Erysipelas from Erosions of the Nasal Septum." John W. Farlow.

"A Case of Gumma of the Fallopian Tube." George S. Whiteside.

"The Idol of the Feccs as a Measure of Putrefactive Processes in the Intestines." A. E. Austin.

"Was He Insane? A Study in Mental Diagnosis." (Concluded.) C. A. Drew.

NEW YORK MEDICAL JOURNAL. December 19.

"On the Etiology of Pulmonary Tuberculosis in Its Relation to Diseases of the Nose and Throat." W. Freudenthal.

"Remarks on Mechanotherapy, Massage, Bone Setting and Osteopathy." John Madison Taylor.

"On the Natural Habitat of the Tubercle Bacillus." J. W. Kime.

"A Method of Rapid Extirpation of Nasopharyngeal Fibromata, with Report of Cases." Gordon King.

"Things Every Tuberculous Patient Should Know." Martin L. Stevens.

"The Genesis and Nature of Medicinal Dioxides." Friederich Elias.

MEDICAL RECORD, New York, December 19.

"Leprosy in Hawaii." James T. Wayson.

"The Diagnosis and Treatment of Intussusception, with a Report of Four Cases." Henry Roth.

"An Unappreciated Source of Typhoid Infection." P B. Barringer.

"Points to be Observed by the Family of a Tuberculous Patient." C. P. Ambler.

CINCINNATI LANCET-CLINIC. December 19.

"Anatomy of the Inguinal Region in Its Relation to Inguinal Hernia." W. E. Lewis.

"The Finsen Light Cure." H. John Stewart.

"Surgery of the Prostrate, Pancreas, Diaphragm, Spleen and Thyroid." (Continued.) B. Merrill Ricketts.

ST. LOUIS MEDICAL REVIEW. December 12.

"Presentation of Specimen of Radium with Suggestions as to Its Therapeutic Value in Cancer and Other Malignant Diseases." A V. L. Brokaw.

UNIVERSITY OF PENNSYLVANIA MEDICAL BULLETIN, Philadelphia. November.

"The Surgical Treatment of Facial Palsy. Preliminary Report of One Case." Charles H. Frazier and William G. Spiller.

"Case of Strangulated Meckel's Diverticulum Complicating Typhoid Fever." Joseph Sailer and Charles H. Frazier.

"The Actions of Certain Agents on the Animal Heat Mechanism, with Especial Reference to Morphin." Edward T. Reichert.

"Address in Obstetrics, Medical Society of the State of Pennsylvania." John G. Clark.

"Primary Carcinoma of the Vermiform Appendix and the Report of a Case." Charles C. Norris.

"The Present Conception of Dermoid Cysts of the Ovary, with the Report of a Case of Teratoma Strumosum Thyreoideale Ovarii." Brooke M. Anspach.

"The Development of the Islands of Langerhans in the Human Embryo." Richard M. Pearce.

CALIFORNIA STATE JOURNAL OF MEDICINE, San Francisco. December.

"Decapsulation of the Kidney for Chronic Bright's Disease." George Goodfellow.

"Report of Six Cases of Achlorhydria." Austin V. Miller.

"Puerperal Septicemia." R. A. Whiffin.

"Tuberculosis in Fowls." Archibald R. Ward.

"The Ductless Glands." W. E. Upton.

"The Prevention of Perineal Lacerations." Edward N. Ewer.

"Infectious Pulmonary Edema." Preliminary Report." W. Ophuls.

ILLINOIS MEDICAL JOURNAL, Springfield. December.

"Chorea." L. Harrison Mettler.

"Ovarian Dysmenorrhea—Its Treatment by a New Operation." Norman Kerr.

"Dislocation of the Metacarpo-phalangeal Joint: Irreducible Under Anesthesia, Operation. Homer M. Thomas.

"Cases Simulating Appendicitis." H. A. Brennecke.

"Pulmonary Tuberculosis and Its Home Treatment." James L. Lowrie.

"A Report of Three Medicolegal Cases Involving the Diagnosis of Paranoia." Sanger Brown.

CLEVELAND MEDICAL JOURNAL. November.

"A Few Remarks Concerning the Surgery of the Biliary Passages." Maurice H. Richardson.

"Suggestions on the Nature and Treatment of Delirium Tremens." James F. Kelly.

"Avoidable Causes of Mortality in Tuberculosis in the Southwest." Guy H. Fitzgerald.

BUFFALO MEDICAL JOURNAL. December.

"The Relation of Fat to Nervous Disease." Bradford C. Loveland.

"Personal Experience with Puerperal Fever." Charles E. Congdon.

"The Bladder Troubles of Old Men." William B. Jones.

"Cystitis in the Female—Case Illustrating Treatment." W. L. Wallace.

"Various Orthopedic Appliances." Prescott Le Breton.

"Presentation of a Patient, the Subject of Calculous Formations in the Kidney, Ureter and Bladder." Bransford Lewis.

JOURNAL OF NERVOUS AND MENTAL DISEASES, New York. December.

"Enormous Tumor of the Postero-parietal Region, Weighing Over Half a Pound; Absence of Localizing Symptoms Until Late in the History of the Case; Operation; Death." F. X. Dercum and W. W. Keen.

"Studies on the Cerebral Cortex in the Normal Human Brain and in Dementia Paralytica." G. Alfred Lawrence.

ARCHIVES OF PEDIATRICS, New York. November.

"Discussion on the Relation of the Bacillus of Shiga to the Summer Diarrheas of Children." Simon Flexner, W. H. Park, Henry Koplik, L. Emmett Holt, J. H. M. Knox and W. D. Booker.

"Pneumothorax in Children." David Bovaird, Jr.

"Chorea: What Is It?" Charles J. Aldrich.

"A Case of Multiple Abscesses of the Lung." Samuel S. Adams.

"A Report of a Case of Infantile Syphilis." Theron W. Kilmer.

"Poisoning Due to the Chemical Decomposition of Bromoform." A. L. Oberdorfer.

ANNALS OF OTOTOLOGY, RHINOLOGY AND LARYNGOLOGY, St. Louis. September.

"My Latest Improvements in the Radical Treatment of Chronic Suppurations of the Accessory Cavities of the Nose." Dr. Luc (Paris).

"Observations on the Diagnosis of Nasal Sinusitis." Walter J. Freeman.

"Diseases and Treatment of the Sphenoid Cells, with Report of Cases and Presentation of Instruments." Robert C. Myles.

"A Bony Cyst in the Antrum of Highmore." C. G. Coakley.

"The Microscopical Examination of the Discharge in 100 Cases of Middle Ear Suppuration, with an Analysis of the Results Having Special References to the Presence of Tubercle and "Acid-fast" Bacilli." Wyatt Wingrave.

"A Case of Thrombosis of the Cavernous Sinuses." Samuel Lodge.

"Paraffin Subcutaneously Injected for the Correction of External Deformities—The Dangers to be Avoided and the Technic." Harmon Smith.

"Tobacco Nerve Deafness." Wyatt Wingrave.

"A Case of Acute Otitis Media and Sinus Thrombosis; Mastoid-ectomy; Excision of Internal Jugular Vein; Serous Meningitis; Exploratory Craniotomy; Death; Autopsy." Edward B. Dench.

BROOKLYN MEDICAL JOURNAL. December.

"The Legal Status of the X-ray." W. W. Goodrich.

"A New Suggestion in the Treatment of Uterine Carcinoma by the Combined Uses of Finsen Light and Roentgen Ray." George G. Hopkins.

"Subpectoral Abscess." Russell S. Fowler.

"Palliative Treatment of Cancer of the Cervix, with Report of Cases." Walter B. Chase.

"Peritoneal Adhesions in the Pelvis." Henry C. Keenan.

NEW ORLEANS MEDICAL AND SURGICAL JOURNAL. December.

"The Effects of Hypertrophy of Pharyngeal Tonsil on the General Health." W. Scheppergrell.

"Hyoscin Hydrobromate in the Treatment of the Morphin Habit." Louis Abramson.

"Some Practical Points in Chloroform Anesthesia." T. E. Schum-
pert.

"Some Experience with Diphtheria and Its Treatment." O. M. Patterson.

BULLETIN OF THE KENTUCKY STATE MEDICAL ASSOCIATION, Louisville. December.

"Typhoid Fever." E. N. Hall.

"The Value of Widal's and Ehrlich's Tests in Typhoid Fever." Orville A. Kennedy.

"Typhoid Fever: Its Treatment." Milton Board.

"Some Reasons Why We Should Use Antiseptics in the Treatment of Typhoid Fever." John A. Ouchterlony.

"Treatment of the Depraved State of System Incident the Drinking of Contaminated Water. D. G. Simmons.

MEDICAL STANDARD, Chicago. December.

"Classification and General Etiology of Nephritis." Arthur R. Elliott.

"A Study of Fatigue in Gastric Muscle." Fenton B. Turck.

"Observations on Tuberculosis in Colorado." W. F. Church.

"The Limitations of the Practical Value of Urethroscopy." Louis E. Schmidt.

"The Mechanism of the Muscles of the Larynx." J. F. Burkholder.

"The Joys of Intellect: A Sequel to 'The Penalty of Genius.'" Ernest Crutcher.

MEDICAL TIMES, New York. December.

"Chronic Peritonitis in Children." George R. Wilson.

"A Study of Hypnotics." A M. Leonard.

"The Use of Venesection in Proper Cases." William Wormley.

"The Private Care of the Insane." M. E. Fitch.

"Membranous Stomatitis—Complicating Pneumonia. Eight Cases Reported." J. M. Frazier.

"Suggestive Therapeutics, with Report of Its Action in a Case."

C. H. Dixon.

"Trachoma." James M. Crawford.

JOURNAL OF MEDICINE AND SCIENCE, Portland, Me. November.

"Gonorrheal Affections of the Mucous Membranes." James E. Willing.

"Some Historic Data in Preventive Medicine." N. J. Gehring.

MOBILE MEDICAL AND SURGICAL JOURNAL. November.

"Antiseptic Inhalation Treatment of Phthisis." M. M. Saliba.

"The Use of Nature's Forces in Correcting Retrodeviations of the Uterus." R. R. Kime.

"Retroversion of the Uterus—Is It a Symptom or Disease?" S. W. Purifoy.

"Intestinal Anastomosis by Means of McGraw's Elastic Ligature." W. T. Henderson.

"Education Against Pulmonary Tuberculosis." Claude C. Pierce.

AMERICAN MEDICAL COMPEND, Toledo. December.

"Can an Ophthalmic Examination Aid the Life Insurance Examiner in His Work?" George F. Suker.

"Handwriting as an Index to Character and Mentality." Lewis H. Clement.

INTERNATIONAL JOURNAL OF SURGERY.

Editorial Department. I. Our Foreign Correspondence. II. The Dangerous Hot Water Bag. III. Cancer and Caustic Pastes. IV. American Surgery Abroad. Surgical Hints. Department of Railway Surgery: I. New York and New England Association of Railway Surgeons. II. Address on Hernia, by John B. Deaver, M. D., Philadelphia, Pa. III. New York and New England Association of Railway Surgeons. Thirteenth Report.

MEDICAL REVIEW OF REVIEWS.

Public Health and Forensic Medicine: 1. Operative Treatment of Trachoma, by William M. Carhart, M. D., New York. 2. The Organism of Smallpox. 3. Adulteration of Phenacetin.

THE MEDICAL FORTNIGHTLY.

The Fortnightly Department Staff. "Surgery, Dr. John McHale Dean; "Internal Medicine," Dr. C. E. Lademann; "Pathology and Bacteriology," Dr. R. B. H. Gradwohl; "Obstetrics and Gynecology," Dr. W. H. Vogt; "Phtharmology," Dr. Waldemar Fischer; "Pediatrics," Dr. A. Levy; "Therapeutics," Dr. W. T. Hirschl; "Dermatology," Dr. A. S. Wolf; "Otology," Dr. A. F. Koetter; "Laryngology," Dr. F. C. W. Printze; "Nervous and Mental Diseases," Dr. F. P. Norbury; "Genito-Urinary Diseases," Dr. T. A. Hopkins.

PACIFIC MEDICAL JOURNAL.

"Opium in Epistaxis," by W. F. Southard, A. M., M. D., (Harvard); "Teaching of Physical Diagnosis," by Wilder Dwight, M. D.

VIRGINIA MEDICAL SEMI-MONTHLY.

"Rupture of the Bladder," by Joseph B. Bissell, M. D., New York; "Prevention of the Spread of Ring-Worm," by F. H. Beadles, M. D., Richmond, Va.; "Home Treatment of Consumption," by H. H. Levy, M. D., Richmond, Va.; "The Country Surgeon's Report of Three Cases," by Lucien Lofton, A. B., Ph. G., M. D., Belfield, Va.; "Remarks on Appendicitis," by Jacob Michaux, M. D., Richmond, Va.; "Different Drugs Used in the Irrigation Treatment of Gonorrhea," by Thomas W. Murrell, M. D., Richmond, Va.; "Escape of Amniotic Fluid With Continued Viability of Fetus," by J. H. Winfrey, M. D., Richmond, Va.

NEW YORK MEDICAL JOURNAL AND PHILADELPHIA MEDICAL JOURNAL.

"The Aetiology of Bronchopneumonia," by Lewis A. Conner, M. D., New York; "The Point of Election on Tuberculosis," by J. O. Cobbs, M. D.; "Accidents and Complication Following Operations on the Nose and Throat," by Justus Sinexon, M. D., Philadelphia; "Fat Necrosis and Report of a Case," by V. B. Jackson, M. D.; "Laryngeal Complications in Typhoid Fever, Report of a Case. Tracheotomy. Recovery," by Homer Supuy, M. D., New Orleans, La.; "A Device for the Prevention of Premature Baldness," by John Gilbert, M. D., York, Pa.; "Treatment of Typhoid Fever with Castor Oil," by C. C. Bass, M. D., Columbia, Miss.; "Delayed Secondary Haemorrhage Following Amygdalectomy. Report of Two Cases," by Richmond McKinney, M. D., Memphis, Tenn.

THE MONTHLY CYCLOPAEDIA OF PRACTICAL MEDICINE.

"Cause of Death, Judicial Determination of The," S. Solis-Cohen; "Hydrophobia," A. H. Smith; "Iodine Reaction," C. H. Dunn; "Leprosy," Judson Daland; "Modern and Old Surgery," Tinker Craig and Orr; "Pneumonia and Tuberculosis, The Relative Importance to the Community of," A. C. Klebs; "Toxins, Mode of Action of Antitoxins on," Bordet.

FOREIGN MEDICAL JOURNALS.

THE LANCET, London. December 5.

"Continuous Local Infection." Richman J. Godlee.

"A Patient with Mitral Stenosis." Henry Waldo.

"On the Present Treatment of the Enlarged Prostate." C. Mansell Moullin.

"A Case of Chronic Intussusception; Excision of 42 Inches of Small Intestine; Recovery." F. C. Wallis.

"Adaptation and Compensation. G. A. Gibson.

"A Case of Invasion of the Cauda Equina by Tumor with Demarcation of All the Sensory Root Areas of the Lower Limbs." Charles R. Box.

"On Albuminuria as an Accompanient of Diabetes Mellitus." (Continued.) F. W. Pavy.

December 12.

- "Cancer and Its Origin." Henry Morris.
 "Antituberculous Serum and 'Vaccine.'" Alexander Marmorek.
 "Inoculation with Haffkine's Plague Prophylactic; a Review of 30,609 Cases." Charles E. P. Forsyth.
 "Some Observations on Over 6,000 Inoculations Against Plague." J. W. Miller.
 "Symptomatic Parotitis Following Strangulated Hernia." Frederick B. Jefferiss.
 "Eosinophilia in Bilharzia Disease and Dracontiasis." Andrew Balfour.

BRITISH MEDICAL JOURNAL, London. December 5.

- "Means for the Prolongation of Life." Hermann Weber.
 "The Treatment of Some Acute Visceral Inflammations." D B. Lees.
 "On a Dysentery Antitoxin." Charles Todd.
 "On total Extirpation of the Stomach with a Record of an Unsuccessful Case." B. G. A. Moynihan.
 "A Case of Double Perforating Gastric Ulcer." L. Lovell Keays.
 "Excision of a Perforated Gastric Ulcer—Recovery." E. Oliver Ashe.
 "Sleeping Sickness and Trypanosomiasis in a European; Death; Preliminary Note." Patrick Manson.

December 12.

- "Cancer and Its Origin." Henry Morris.
 "The Parasitic Theory of Cancer." H. G. Plimmer.
 "The Behavior of Cancer Within Nerve and Trophic Areas." G. Lenthal Cheatie.
 "Nature and Physiological Action of Radium Emanations and Rays." Dawson Turner.
 "Radium and Its Therapeutic Effects." John Macintyre.
 "On the Treatment of Cancer." Lovell Drage.
 "Paraffin Cancer." Robert Kirk.
 "The Possible Association of the Consumption of Alcohol with Excessive Mortality from Cancer." Arthur Newsholme.

MUNCHENER MED. WOCHENSCHRIFT, Munich.

- "Die Resultate der Appendizitis-Operationen in Jena während des letzten Semesters." Riedel.
 "Measurement of Pressure in Right Auricle." G. Gaertner (Vienna).
 "Nile Blue Base as Reagent for Carbonic Dioxide in the Air." M. Heidenhain.
 "Therapeutic Tests with Fluorescent Substances. H. v. Tappeiner and Jesionek (Munich).
 "Phototherapy of Lupus." Werther.
 "Cow's Milk in Infant Feeding." V. Soxhlet.
 "Tubar-Gravidität und Unfallrente (accident insurance.)" Doderlein.
 "Ready-Made Nutrient Enemata." A. Schmidt.
 "Truppen-Hygienische Erfahrungen in China." Wolffhugel.
 "Functional Diagnosis of Kidneys Without Catheterization of Ureters." F. Voelcker and E. Joseph (Czerny's clinic, Heidelberg).
 "New Optic Method of Determination of Albumin." E. Raehlmann.
 "Action of Röntgen Rays on Animals." H. Heineke.
 "Ueber Pathogenität des Löfflerschen Mause-Typhus-Bazillus beim Menschen." R. Trommsdorff (Gruber's Institute, Munich).
 "Determination of Specific Gravity of Living Human Subject." J. Wengler.

"Ueber Primare Tuberkulose-Infektion durch den Darm (through intestines)." O. Wagener (Kiel).

"Zur Frage der chirurgischen Behandlung der Gastropse." Hammer.

GAZZETTA DEGLI OSPEDALI, Milan.

"La sintomalogia delle dyspepsie." G. Campanella.

"Senso muscolare e fenomeno di Romberg." C. Mannini.

"Del siero antidifterico nella pneumonite e nella meningite infettiva: polivalenza dei sieri." M. Gay.

"Cancroid on Lower Lip Completely Disappearing During Progress of Pernicious Malaria and Reappearing After Recovery." S. Portanova.

"Termoforo-Enteroclisma." G. Bellini.

"Relapses in Pneumonia." B. Lovera.

"Le iniezione subcongiuntivali di sublimato corrosivo nelle ulceri corneali." A. De Blasi.

"Annual Report from E. Maragliano's Clinic, 1902-3."

"Congenital Hernia from Standpoint of Industrial Insurance." C. Momo.

"Myasis da *Cephalomya ovis*." S. Saltta. Seven Cases.

"L'irrigatore porta spugna." G. B. Fazzari (Antonimina Reggio, Calabria).

"Relaxation of Muscles of Neck as Sign in Chloronarcosis." G. Fratti.

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION. This able and conservative journal is the organ of the medical profession in the United States, and is ably edited. Its December 12th number, 1903, made an editorial assault upon the American Congress on Tuberculosis, to be held in St. Louis, October 3, 4, and 5, 1904, on the assumption that it was a medical organization, and copied the circular letters given by the United States to the body and its instructions to the American Diplomatic Corps abroad, overlooking the fact that it was not a medical body *per se*, but was an organization organized in 1900 by the Medico-Legal Society of New York, and which had met annually since, and which had in the past been and was now strongly supported by the American Government, devoted to the Medico-Legal aspects of tuberculosis, and appropriate preventive legislation, whose officers were and have been Governors of States, and high public functionaries, with the leading sanitarians of the United States on its membership list, and having on its roll of officers and members a very much larger and stronger array of officers of boards of health than ever before in its history, and Vice-Presidents in nearly every State in the American Union, selected two from the medical and one from the legal profession so far as practicable.

We publish in another column the reply of the Chairman of the Committee on Organization named by the Universal Exposition, St. Louis, 1904, to this criticism, to which we call the attention of our readers.

The Journal publishes a very interesting array of cases under its heading of Medico-Legal subjects, to which we shall refer in another place, and which are of great public interest.

THE AMERICAN ILLUSTRATED MEDICAL DICTIONARY, by W. A. Newman Dorland, A. M., M. D., editor of the "American Pocket Medical Dictionary." Philadelphia, New York, London: W. B. Saunders & Company, 1903. Price, \$4.50 net; with thumb index \$5.00 net.

This work was prepared and intended for both practitioners and students. It is a complete dictionary of the terms used in Medicine, Surgery, Dentistry, Pharmacy, Chemistry and the kindred branches, including much collateral information of an encyclopedic

character, together with new and elaborate tables of Arteries, Muscles, Nerves, Veins, etc.; of Bacilli, Bacteria, Micrococci, Streptococci; Eponymic Tables of Diseases, Operations, Signs and Symptoms, Stains, Tests, Methods of Treatment, etc., etc. It is a handsome, large octavo. nearly 800 pages, bound in full flexible leather.

The third edition contains several hundreds of new terms that have been added to the vocabulary of medical sciences and are incorporated and clearly defined. The entire work, moreover, has evidently been subjected to a careful revision, and many of the tables, notably those of Acids, Bacteria, Stains, Tests, Methods of Treatment, etc., have been amplified, and their practical value greatly increased. It is only by such constant and careful revision that a medical dictionary can hope to reflect the progress of medical science, and the usefulness of this work by this present revision has been very largely extended.

A very important part of this work is the character, excellence and variety of its illustrations; those of Bacillus, Blood Corpuscles, The Ear, Hernia, Malarial Parasitis and Pregnancy are worthy of especial notice.

THE AMERICAN POCKET MEDICAL DICTIONARY. The same work by the same author and same publishers. Fourth Edition, 1903.

In this little work, now in its fourth edition, we have a pocket dictionary equaled by none on the market. It is a wonder to us how the editor has gotten so much information in such a small space. In this edition several thousand of the newest terms that have appeared in recent medical literature have been added, and the entire work subjected to a careful revision. Since the work has come to us for review, we have had many occasions to refer to it for definitions of new words, and in no instance have we been disappointed. We believe that the work in its new form will meet more fully than ever a real demand on the part of physicians and students. It is beautifully and tastefully bound.

TRANSACTIONS OF THE AMERICAN MICROSCOPICAL SOCIETY. This is the 74th volume of the transaction of this body, and is the work of the meeting held in June, 1902, at Pittsburg, Pa., June 27 and 28. It contains about 200 pages and is published in 1903.

It is ably edited and is a monument to the careful and praiseworthy work of Henry B. Ward, the painstaking secretary, and his associates. It can be obtained only of the officers of the Society.

CASE LAW AND INDEX, by Howard Ellis, Esq., Case Law Company, 220 Broadway N. Y., 1903. The announcement of this great work to the legal profession is an event of the highest importance. Its completion will require 60 volumes at the least.—It is the creation of Howard Ellis, of our Bar, and may be said to be the realization of what was the dream of his life. No man at the American Bar was better qualified for such a work. He was the editor of the Law and Equity Reporter, The Reporter; and the New York Weekly Digest. He has attempted to condense and systematize the reports of the United States decisions, the State decisions and the English decisions, arranging the condensed cases under topical heads in chronological order and keeping each jurisdiction separate, so that a lawyer, in the preparation of briefs or in equipping himself for trial, can lay his hands at once on the cases favoring his contentions. I quote from his preface:

In submitting to the profession a publication on a new plan, differing radically in its object, method and scope from anything in the domain of law and jurisprudence, the publisher feels that a word of explanation is necessary.

Many good books have been published in an earnest effort to point the way to the needed precedent in the wilderness of cases which are rapidly passing the possibilities of the time and learning of the profession. Still, they do not seem entirely to fulfill the purpose for which they were created.

From year to year it has become more clearly apparent that some new system of reporting must be adopted. "Case Law and Index" seems, in the opinion of all who have considered and investigated the plan, to fill this want. It is for these reasons that the work has been commenced and will be carried to completion.

"Case Law and Index" is a conception differing materially from any other attempt to reduce the law of the cases to a compact system. It aims at the ready ascertainment of all the decided law by reporting all the cases within a compass of practical utility, supplemented by an index pointing the way to every proposition decided. Its fundamental idea is condensation—the reproduction of the cases in miniature. The guiding principle in the production of the work has been—preservation of the case as adjudged by the court and presented in the official report. The plan includes the presentation of all the cases ever reported in each of the English speaking jurisdictions. "Case Law and Index" reports the actual case in concise form, giving: (1) The nature of the proceeding. (2) The parties. (3) The material facts. (4) The judgment rendered. (5) The decision and "ratio decidendi" in the language of the court.

Each case, as reported, will show at a glance whether it is likely to be "a case in point." In addition, the method employed excludes all scope for editorial interpretation and precludes the substitution of the author's deduction for the judge's decision; while it possesses the valuable feature that the work can be continued from year to year, and, by a periodic consolidation of indices, can, always be kept up-to-date.

The practitioner will observe at a glance that this is neither a digest nor an encyclopedia. It occupies a field peculiarly its own, and renders a service not attempted by any other publication. It reports, and, with the aid of a thorough and minute index, places the active practitioner in possession of all the decided law bearing on any proposition engaging his attention. It is not the treatise of individuals, but actual adjudications in the language of the judges.

It is worthy to note the plan of the work:

PLAN OF WORK.

The plan of the work, which is illustrated in the following pages, is well-ordered, direct, and exhaustive. The work to be produced will be found to be absolutely reliable.

It will give:

- a. A sufficient statement of facts.
- b. The ruling of the Court, and the name of the Judge writing the opinion.
- c. The Citations of the Case subsequently in the Courts of the jurisdiction.
- d. A critical Index showing the rule of principle applied in giving judgment.

METHOD.

In detail the method is as follows:

First. The series are to be three in number and are to be designated:

UNITED STATES DECISIONS,

10 Volumes and an Index Volume of 1,250 pages each;

ENGLISH DECISIONS.

10 Volumes and an Index Volume of 1,250 pages each;

STATE DECISIONS,

38 Volumes, of 1,250 pages each, under Subject Heads of the Law, by States, alphabetically arranged, with an Index to each Volume. The index to each volume will be in pamphlet form, on good paper, well bound and with suitable attachment, so that it may be kept with the book. Any pamphlet index to any State Volume will be a

complete index to the subject of which the volume treats, and also to cases previously published in other volumes containing any points on the subject in hand.

Finally, the indices will be consolidated with complete reference to all cases and all jurisdictions on all points of law.

Second. Each case will be reported at once, and printed in the volume on the subject which dominates the case.

Third. This disposition of the Reports makes each jurisdiction separate, even among the States of the Union.

Fourth. The cases will be reported in chronological order, and will show the inception, development, and present state of the law in each of the jurisdictions, and will be brought down to January 1, 1902. These last two features, indispensable in any proper arrangement of the law, will not be found in any existing publication.

Fifth. The Index to a State Volume will show the comparative jurisprudence of the States on the subject treated.

Sixth. The Cases will be reported in brief, but will be technically complete. The pleadings, proceedings, facts, and rulings will distinctly appear.

This was the method adopted by Howard Ellis in the New York Weekly Digest and in the Law and Equity Reporter (afterward The Reporter, published by Houghton, Mifflin & Co.). These papers had instant and phenomenal support, and were earnestly commended by the Supreme Bench of the country. (See testimonials.)

Seventh. To the Cases, which will be prepared by active practicing lawyers of ability, Indices will be made by a Board of Editors, composed of American Supreme Court judges and English jurists of note.

Eighth. Citations of the Case in its jurisdiction will be appended.

Ninth. There will be no selection of Cases; but every Case will be eliminated which is local in character, whether in law or practice, and all overruled cases. Reversals of only a negative value will be omitted.

Tenth. The volumes are intended to show the actual working jurisprudence.

Eleventh. In this way, in 10 Volumes, each, all of the United States decisions, and all of the English decisions can unquestionably be given and the State decisions can be reported in 38 volumes.

Twelfth. The State decisions will be distributed among the working heads of the law.

THE MERITS OF THE WORK.

I. Each report, short, concise, and accurate; technically complete.

II. These reports will be sure and direct guides in the wilderness of decisions yearly becoming more dense, leading to the ascertainment of the cases needed.

III. By these books Counsel will be enabled to find the principle of equity, or rule of law, and supporting decisions, without leaving his office or calling in any assistance whatever.

IV. He can, at once, quickly and surely find his authorities for advice, for trial or for argument.

V. This is an unavoidable duty, for Cases must be found at every step in a cause. Formerly, the case-lawyer was a rare man at the Bar, but now the Cases are numberless, and the busy lawyer and the judge must be supplied with them on call.

VI. Concise Cases and an Index properly divided, with cross-references, is the present need of Judge and Counsel. The inefficient methods of the "Digest" are now discredited.

The price of the Book will be \$6.00 a volume.

NOTE.—The cases on each page are lettered, A designating the first case begun on the page. In the index a case is referred to by its page number and letter. The same system will be followed in the books, except that the letters will not be inserted in the pages. They are used herein merely to explain the system. Many pages will be saved in the index of each book by this substitution of a letter for the full name of a case.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

ARCHIVOS DE PSIQUIATRIA Y CRIMINOLOGIA, by Dr. J. Ingenieros, Buenos Aires. Vol. II, No. 7 and 8.

L'INSTITUTE CENTRAL DE THERAPEUTIQUE PHYSIQUE, by Prof. Dr. Ch. Colombo, Directeur, Rome.

NAUHEIM METHODS IN CHRONIC HEART DISEASE WITH AMERICAN ADAPTATIONS, by Thomas E. Satterthwaite, M. D., New York.

LA LUCHA ANTITUBERCULOSA, by Dr. Emilio R. Coni, Buenos Aires, Vol. III, No. V, November, 1903.

Books, Journals and Pamphlets Received.

THE PUBLIC CONTROL OF TUBERCULOSIS, by Prof. Wm. S. Carter, M. D., Galveston, Texas.

INTERNATIONAL BUREAU OF THE AMERICAN REPUBLICS, October Number Monthly Bulletin, 1903.

JOURNAL OF THE SOCIETY FOR PSYCHICAL RESEARCH, Number CCII-XI, October, 1903.

MADAME. November number, 1903. Organ National Council of Women.

TRANSLATIONS OF THE AMERICAN MICROSCOPICAL SOCIETY. Volume XXIV, at Pittsburg, Pa., 1902.

TOWN AND COUNTRY. New series of the Home Journal; illustrated, weekly. The Stuyvesant Co., N. Y., F. M. Munroe, Editor. The November number (Nov. 14) contains beautiful illustrations from the country seat of Girard Foster. Also some good reproductions of prize winners at the New York City Horse Show.

CHRISTIAN SCIENCE HISTORY, by Septimus J. Hanna. Christian Science Pub. Soc., Boston, Mass.

PSYCHIC LIFE AND LAWS, by Chas. Olean Sahler, M. D. Fowler, Mills & Co. (1901).

MEDICAL JURISPRUDENCE, INSANITY AND TOXICOLOGY. Third Edition, by Henry C. Chapman, M. D., Phila., Pa. W. B. Sanders & Co. (1903). Will review this book in later number.

THE LAW OF MENTAL MEDICINE, by Thomson Jay Hudson, LL. D. A. C. McClurg & Co., Chicago, 1903. This last work of the late Dr. Thomson Jay Hudson we have read with interest, and we will review and notice it as soon as we can find the time to do so.

MAGAZINES.

COLUMBIA UNIVERSITY QUARTERLY. The December number of this Journal, 1903, commences the new Vol. VI. The following are its leading articles:

THE IMPRESS OF THE UNIVERSITY, by Harry Thurlow Peck.

THE OLD AND THE NEW MEDICINE, by Walter B. James.

ELECTRICAL ENGINEERING AT COLUMBIA, by George F. Lever.

Mr. B. James' paper is his address delivered at the opening of the College of Physicians and Surgeons, September 24, 1903.

He calls Dr. Elisha Bartlett one of the most talented medical teachers yet produced in America, and quoted his address in 1852, on "Hippocrates and His Art," at that college in which he was Professor of Medical Jurisprudence and of *Materia Medica*.

That college has never since produced the superior of Dr. Bartlett in forensic medicine, and the paper is like Bellamy's "Looking Backward," for higher education and attainments in medicine.

He quotes the greatest student of forensic medicine of our time in France, Professor Brouardel, on the increase of the French physicians, beyond a fair ratio of the increase of patients, as along the lines of thought he advances.

He did not cite, but might have done so, that great student, author and writer of some few centuries ago. Zacheus, a cardinal and a profound scholar in many fields left a treatise on medical jurisprudence which is standard to-day. Dr. James' scholarly paper is well worth perusal.

THE GREEN BAG. Boston Book Co., Publishers; Thos. Teleston Baldwin, Editor.

The leading paper of the December number is an admirable sketch of Ex-Chief Justice Logan E. Bleckly, of the Supreme Court of Georgia, with a fine portrait and a sketch from the pen of L. B. Ellis.

He gives some of the unique, poetical effusion of this great jurist and the leading incidents of his life.

Lawrence Drull contributes an interesting paper on the British House of Lords in its judicial capacity, with an interior view of the House of Lords, and another one of the Houses of Parliament showing the clock tower, a view from the old police yard, and of the Royal Gallery.

THE CRITIC. G. P. Putnam Sons. Jeannette L. Gilder, Editor, New York. The Christmas number, 1903, contains a sketch entitled "Parsifal," by A. I. Dupont Coleman, with illustrations.

Christian Brinton contributes a sketch of George Frederick Walls, B. A., with a portrait of himself as a young man. It is an admirable essay and gives a chapter of his article at his best, in portraits of George Meredith, Alexander Charles Swinburne, Matthew Arnold, Sir Leslie Stephen, Robert Browning, Thomas Carlyle and Lord Lytton.

THE ATLANTIC MONTHLY for December has a large table of contents from which we notice:

SOME SECOND TERM PRESIDENTS, by Charles M. Harvey.

EDITING, by Sir Leslie Stephen.

NATURE STUDY, by Joseph Russell Taylor.

THE LAST ROYAL VETO, by William Everitt.

POPULAR SCIENCE MONTHLY. The Science Press, Garrison, N. Y.
J. McKeen Cattell, Editor, Lancaster, Pa.

The December number, 1903, contains the following articles:

DETERMINATION OF SEX, by Prof. T. H. Morgan.

THE ACADEMY OF SCIENCE OF ST. LOUIS, by Prof. Wm. Trelease.

HENTZIAN WAVE WIRELESS TELEGRAPHY, by J. A. Fleming.

THE SALMON AND SALMON STREAMS OF ALASKA, by Pres. David Starr Jordan.

THE STORM CENTER IN THE BALKANS, by Dr. Allan McLaughlin.

THE GROWTH OF RURAL POPULATION, by Frank T. Carlton.

REAR ADMIRAL MELVILLE AND NEW FLEET, by Prof. R. H. Thurston.

THE WORLDS WORK. Doubleday, Page & Co., N. Y. Walter H. Page, Editor. December number has a fine table of contents.

Frank P. Foster, M. D., contributes "Surgical Advance in the United States." "Stories of Governor Taft in the Philippines," "Life in the Corn Belt," "Glimpses of a Great Campaign," are among the most readable articles.

THE REVIEW OF REVIEWS for December has "Panama and the New Canal Treaty," "Speaker Cannon," "Some Things a Boy Should Read," "Progress Among the Moros," "Mr. Moritz Gladstone," are articles of interest.

THE FORUM. Edited by I. M. Rice. Its December number, 1903, has on its title page "American Politics," by Henry Litchfield Writ; "Foreign Affairs," by A. Maurice Low; "Finance," by Alex. D. Noyes; "Applied Science," by Henry Harrison Suplee; "Sociological Questions," by Prof. Frank H. Geddigs.

THE NORTH AMERICAN REVIEW. Edited by George Harvey. December number has "The Venezuelan Arbitration and The Hague Tribunal," by Wayne MacVeagh; "Morley's Life of Gladstone," by Gordon Smith; "The Attack on the Congo Free State," by D. C. Boulger; "Citizenship and Suffrage," by W. L. Scruggs; "Light on Some Educational Problems," by Rev. H. A. Steenson, D. D.; "Desertions and the Army Canteen," by Col. W. C. Church; "If the South Had Been Allowed to Go," by Ernest Crosby; "The Personality of Hawthorne," by W. D. Howells; "A New Anglo-American Dispute," by P. T. McGrath; "Representative Inequality of Senators," by Sylvester Baxter.

HARPER'S MAGAZINE. Christmas number has a large table of contents and fine illustrations. Mark Twain contributes "A Dog's Tale;" George Inness, "Wood Gatherers," interpreted by W. Stanton Howard; Prof. Thos. R. Lounsbury, "Is English Becoming Corrupt?" George Howard Darwin, "The Birth of a Satellite;" Prof. Chas. F. Thwin, "The University of St. Petersburg."

CURRENT LITERATURE. Current Literature Co., New York. The December number of this interesting monthly contains some delightful reading. Walter Russell contributes a portfolio of drawings of "Beautiful Children." John Kelman gives an artistic conception of "Pilgrimage Life of the Holy Land." Jacob A. Riis, "Talks of How Christmas Comes to the Tenements." Elizabeth Cheney Waltz gives a chapter from her new novel, "Pa Gladden," which she calls the "Mystery Pledge." Clarence Ludlow Brownell writes on "The New Japan." "The Habit of Thought" is a splendid chapter from Hugh Black's new book "Work." Lawrence Fleck, M. D., has written a book "Consumption, a Curable Disease," from which a chapter is taken which is entitled "Tuberculosis and Consumption," of great public interest at this time. W. F. Atkinson writes on "The Haunt-

ed House" for the Detroit Free Press, and it appears in this number, as does Walter Richards in Temple Bar, in "Voices from the Dead," which is given here and which is worth perusal.

THE CLUB WOMAN. Published by The Club Woman Co., Mrs. Dore Lyon, Editor, New York, 1903. This journal is the official organ of the General Confederation of Women's Clubs, The National Congress of Mothers, and The United States Daughters. The journal is ably edited, finely printed and illustrated, and contains able and intelligent statements of the work of those woman organizations. Mrs. Dore Lyon, who has recently taken the editorial chair of the journal, makes her bow under the title of "Megaphonics" in harmony with the festal charm that Christmas brings, and she is assisted by Miss Helen M. Winslow, and Mrs. Edward Addison Greeley, who is the General Federation Editor. It gives as a whole, the latest and freshest news from women's clubs, and the doings of the club women of this country.

THE REVIEW OF REVIEWS. The December number, 1903, gives an attractive programme. Albert Shaw writes on "Panama and the New Canal Treaty." Henry Hale contributes a sketch and portrait of M. Bunan-Varilla, the Envoy of the Panama Republic. "Mentor," a character sketch of Speaker Cannon. Ernest Knauff writes on fine arts at the Carnegie Institute at Pittsburgh, with illustrations. Frank Fowler, on the portrait exhibition in New York, with illustrations. Mr. W. T. Stead contributes a fine critique on John Morley's book on "Gladstone," with valuable portraits of the author and his subject.

LIPPINCOTT. J. B. Lippincott Co., Phila. The November number, 1903, gives a capital story by Ella Middleton Tybert, entitled "A Home Divided;" with short stories by Francis Howard Williams, Ralph Henry Barbour, Jean D. Hallowell; Judith Underwood, Eleanor L. Stuart, and Clinton Dangerfield.

KANSAS CITY MEDICAL INDEX LANCET, John Punton, M. D., Editor and Publisher, Kansas City, Mo. The November number contains the presidential address of W. L. Wheeler, M. D., October 16, 1903. Paper with illustrations by Dr. Flavel B. Tiffany, "Electro-Cautery Incision of Electropion." Report of cases by Professor Thomas J. B. Norman, on "Treatment of Acute Bronchitis in Infants." Paper by J. W. Sherer, of Kansas City, on "The Fundus Oculi in Hereditary Syphilis." Dr. Benjamin Merrill, of Columbus, Ohio, on "Surgery of the Thyroid."

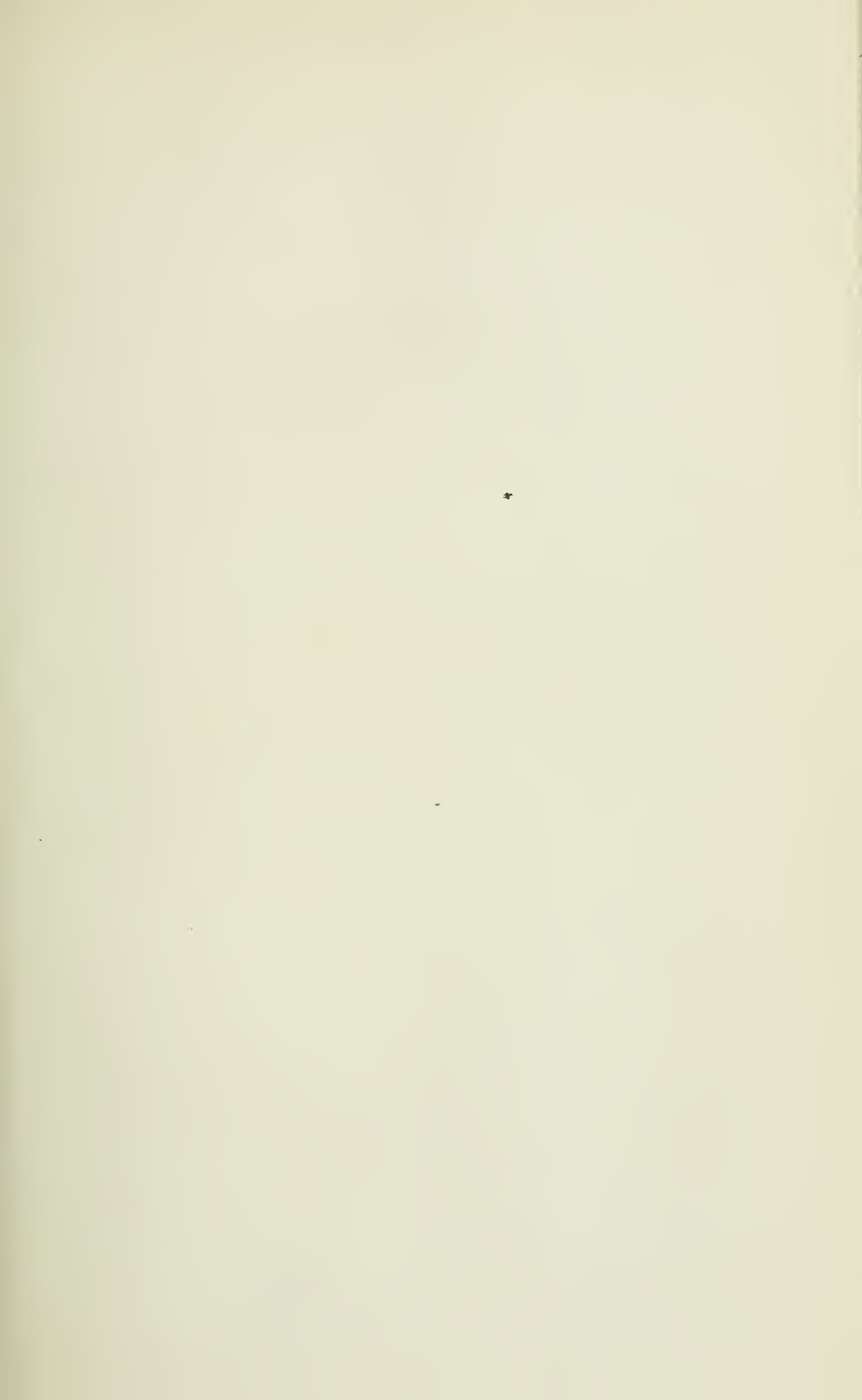
SUGGESTION. Herbert A. Parkyn, Editor. Suggestion Publishing Co., Chicago, Ill. The December number contains "Auto-Suggestion for the Formation of Habit," by Herbert A. Parkyn, M. D. "The Illimitable Power of Mind," by Prof. Edgar L. Larkin; "A New Study of the Brain," Edward Hookey Dewey, M. D.; "Steps in Attaining the Physical Ideal," by W. H. Featherstone, M. D.; "The Motions of Matter," by Franklin H. Heald.

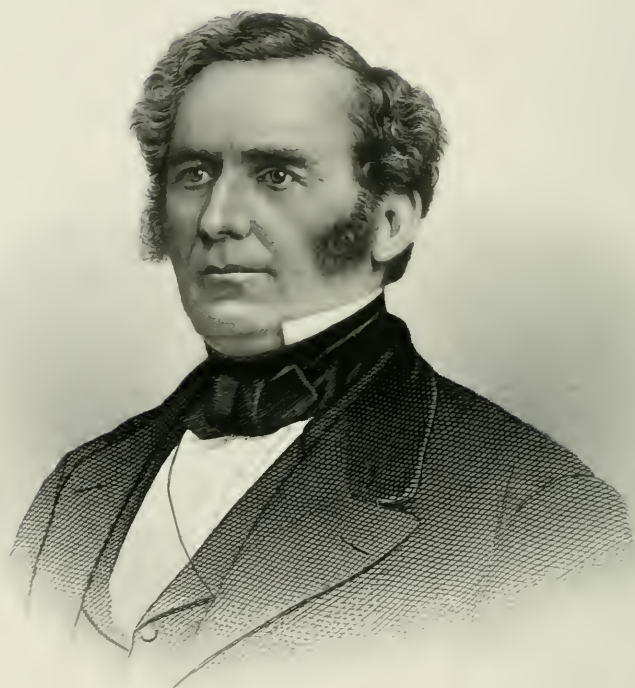
OUR ANIMAL FRIENDS. American Society for the Prevention of Cruelty to Animals, New York City. The November number, 1903, has a very attractive table of contents.

MIND. Alliance Publishing Co., New York. Charles Brodie Patterson, Editor. Henry Frank writes on "Self-Discovery" in December number, 1903. Thomas C. Dyas, gives a biographical sketch of Rev. Henry Frank. B. O. Flower on "The Religion of Whittier." J. Q. Quinn, D. D., LL. D., on "The Power of Thought;" Bolton Hall on "The Eternal Man;" Charles Brodie Patterson on "Breath;" Adelle Williams Wright on "Reconciliation;" Brenda Louise Brown on "Self-Knowledge;" Harry T. Fee, on "The Natural and the Spiritual;" Ernest Linwood Staples on "The Infinite Goodness;" Stetilla Payton Burke on "The Nebula? of Law;" Julia B. Dabney

on "Fortune and the Pine Trees;" Kate Kensler on "The Necessity of Work;" Charles Brodie Patterson on "The Development of Character."

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION. Chicago, Ill. The December 12th number of this valuable journal contains a most interesting and carefully prepared statement under the heading of "Medico-Legal," collected as to the legislation of a large number of States of the American Union, that have been adopted as laws, of interest to both professions of law and medicine. Oregon has provided for a State Board of Health. Pennsylvania for the establishment of two sanatoria for poor consumptives, and appropriates \$8,000 for a State sanitarium in Franklin or Adams counties. Another act limits sale of cocaine and prescribes for its legitimate sale. Another act provides for the disinfection of public school buildings; while No. 153, Law of Pennsylvania for 1903, provides for the commitment of persons addicted to the use of intoxicating liquors or drugs to a hospital or asylum, and provides for details of commitment and proofs. Texas, by chapter 120 of the General Laws of 1903, appropriates \$5,000 for the construction of a Pasteur department for the treatment of hydrophobia and for the commitment of persons suffering from hydrophobia.





Henry E. Davies

HISTORICAL SKETCH

OF THE

NEW YORK COURT OF APPEALS.

BY CLARK BELL, ESQ., LL. D.,
Of the New York Bar.

[Continued from page 82 June number Medico-Legal Journal.]

The provisions of the Constitution of 1846 that created the Court of Appeals and related to its work, former functions heretofore stated, were from time to time amended, so as to read as follows:

IMPEACHMENT—ASSEMBLY HAS POWER OF— EFFECT OF JUDGMENT.

Section 1 was amended so as to read as follows:

The Assembly shall have the power of impeachment, by a vote of the majority of all the members elected. The Court for the Trial of Impeachments shall be composed of the President of the Senate, the Senators, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the Court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment, the members of the Court shall take an oath or affirmation, truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit, under this State; but the party impeached shall be liable to indictment and punishment according to law.

Section 2 was amended as follows:

COURT OF APPEALS—JUDGES, HOW CHOSEN—APPOINTMENT OF CLERK.

Section 2. There shall be a Court of Appeals, composed of a Chief Judge and six Associate Judges, who shall be chosen by the

electors of the State, and shall hold their office for a term of fourteen years, from and including the first day of January next after their election. At the first election of Judges, under this Constitution, every elector may vote for the Chief, and only four of the Associate Judges. Any five members of the Court shall form a quorum, and the concurrence of four shall be necessary to a decision. The Court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

Section 3 was amended so as to read as follows:

Section 3. When a vacancy shall occur, otherwise than by expiration of terms in the office of Chief or Associate Judges of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not, the Governor alone, may appoint to fill such vacancy. If any such appointment of Chief Judge shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment or election, when the number of Judges is sufficient to constitute a quorum. All appointments under this Section shall continue until and including the last day of December next, after the election at which the vacancy shall be filled.

Section 4 was amended so as to read as follows:

CAUSES PENDING IN COURT OF APPEALS TO BE REFERRED TO COMMISSIONERS OF APPEALS.

Section. 4. Upon the organization of the Court of Appeals, under this Article, the causes then pending in the present Court of Appeals shall become vested in the Court of Appeals hereby established. Such of said causes as are pending on the first day of January, eighteen hundred and sixty-nine, shall be heard and determined by a Commission, to be composed of five Commissioners of Appeals, four of whom shall be necessary to constitute a quorum; but the Court of Appeals hereby established may order any of said causes to be heard therein. Such Commission shall be composed of the Judges of the present Court of Appeals, elected or appointed thereto, and a fifth Commissioner, who shall be appointed by the Governor, by and with the advice and consent of the Senate; or if the Senate be not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session.

COMMISSIONERS OF APPEALS—VACANCIES, HOW FILLED— CHIEF COMMISSIONER TO BE APPOINTED.

Section 5. If any vacancy shall occur in the office of the said Commissioners, it shall be filled by appointment by the Governor, by and with the advice and consent of the Senate; or if the Senate is not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session. The Commissioners shall appoint, from their number, a Chief Commissioner; and may appoint and remove such attendants as may be necessary. The reporter of the Court of Appeals shall be the reporter of said Com-

mission. The decisions of the Commission shall be certified to, and entered and enforced as the judgment of the Court of Appeals. The Commission shall continue until the causes committed to it are determined, but not exceeding three years; and all causes then undetermined, shall be heard by the Court of Appeals.

SUPREME COURT—JURISDICTION—JUSTICES—JUDICIAL
DISTRICTS—NUMBER OF JUSTICES IN—MAY BE
ALTERED WITHOUT INCREASING NUMBER.

*Section 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now, is, or may be, prescribed by law; and it shall be composed of the Justices now in office, with one additional Justice, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts** of the State are continued until changed pursuant to this Section. Five of the Justices shall reside in the district in which is the City of New York, and five in the second judicial district, and four in each of the other districts. **The Legislature may alter the districts without increasing the number, once after every enumeration under this Constitution, of the inhabitants of the State. (1) Whenever, and as often as there shall be such an accumulation of causes on the calendar of the Court of Appeals, that the public interests require a more speedy disposition thereof, the said Court may certify such fact to the Governor, who shall thereupon designate seven of the Justices of the Supreme Court to act as Associate Judges, for the time being, of the Court of Appeals, and to form a second division of the Court, and who shall act as such until all the causes upon the said calendar at the time of the making of such certificate are determined, or the Judges of said Court elected as such, shall certify to the Governor that said causes are substantially disposed of, and on receiving such certificate, the Governor may declare said second division dissolved, and the designation of Justices to serve thereon shall thereupon expire. The second division of said Court, hereby authorized to be constituted, shall be competent to determine any causes on said calendar which may be assigned to such division by the Court composed of Judges elected to serve in the Court of Appeals, and that Court may at any time before judgment direct any of the causes so assigned, to be restored to its calendar for hearing and decision. The rules of practice in both divisions shall be the same. Five members of the Court shall be sufficient to form a quorum for said second division, and the concurrence of four shall be necessary to a decision. The Judges composing said second division shall appoint from their number a Chief Judge of such division, and the Governor may from time to time, when in his judgment the public interests may require, change the designation of any Justice of the Supreme Court to fill such vacancy. Said second division may appoint and remove a crier and such attendants as may be necessary. The Judges composing said second division shall not during the time of their service therein, exercise any of the functions of Justices of the Supreme Court, nor receive any salary or compensation as such Justices, but in lieu thereof, shall during such term of service, receive the same compensation as the Associate Judges of the

Court of Appeals. They shall have power to appoint the times and places of their sessions, within this State, and the Clerk and Reporter of the Court of Appeals shall be Clerk and Reporter of said second division.

JUDGES OF THE COURT OF APPEALS OR JUSTICES OF SUPREME COURT, TO HOLD NO OTHER OFFICE.

Section 10. The Judges of the Court of Appeals, and the Justices of the Supreme Court, shall not hold any other office or public trust. All votes for them or any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

REMOVALS—PROCEEDINGS IN RELATION TO.

Section 11. Judges of the Court of Appeals, and Justices of the Supreme Court may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All judicial officers, except those mentioned in this Section, and except Justices of the Peace and Judges and Justices of inferior Courts, not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no removal shall be made by virtue of this Section, unless the cause thereof be entered on the journals, nor unless the party complained of shall have been served with a copy of the charges against him, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the Journal.

COMPENSATION OF JUDGES OR JUSTICES—NOT TO BE DIMINISHED DURING TERM OF OFFICE.

Section 14. The Judges and Justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the Judges of the Court of Appeals and the Justices of the Supreme Court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such Courts are instituted, as shall be provided by law.

CLERKS OF SUPREME COURT AND COURT OF APPEALS.

Section 20. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Clerk of the Court of Appeals shall keep his office at the seat of the Government. His compensation shall be fixed by law and paid out of the public treasury.

NO JUDICIAL OFFICER, EXCEPT JUSTICE OF THE PEACE, TO RECEIVE FEES.

Section 21. No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, Justice of the Supreme Court, or Judge of a Court of Record in the cities of New York, Brooklyn or Buffalo, practice as an attorney or counselor in any Court of record in this State, or act as referee.

JUDGMENTS, ETC., MAY BE ORDERED DIRECTLY TO COURT
OF APPEALS FOR REVIEW.

Section 22. The Legislature may authorize the judgments, decrees and decisions of any Court of record of original civil jurisdiction, established in a city, to be removed for review, directly into the Courts of Appeals.

COURT OF APPEALS MAY ORDER CAUSES TO BE HEARD BY
COMMISSION OF APPEALS.

Section 28. The Court of Appeals may order any of the causes, not exceeding five hundred in number, pending in that Court at the time of the adoption of this provision, to be heard and determined by the Commissioners of Appeals, and the Legislature may extend the term of service of the Commissioners of Appeals, not exceeding two years.*

NEW YORK COURT OF APPEALS.

BIOGRAPHICAL SKETCHES OF CHIEF AND ASSOCIATE JUDGES
UNDER THE CONSTITUTION OF 1846.

From July 1847, to July 1870.

Term eight years.

HON. FREEBORN G. JEWETT.

CHIEF JUDGE NEW YORK COURT OF APPEALS.

CHIEF JUDGE 1847-1853.

Judge Freeborn G. Jewett was born in 1791 in Connecticut. He was educated in the common schools, and did not have the benefit of a collegiate or even a classical education.

He devoted himself to the study of the law, and was admitted to the bar and commenced the practice of the law. He settled at Skaneateles, New York, where he won his way to the very front rank in his profession, with a reputation second to none in the State.

He was elected County Judge of his county, and to the Legislature from Onondaga County, and served in the Assembly in the year 1826. He served as County Judge of Onondaga County from February 11, 1824, to April 12, 1831.

He was elected to Congress from the Twenty-third District and served from 1831 to 1832. In 1838 he was appointed an inspector of State Prisons. Judge Jewett now began to hold a high position in the Democratic party, of which he was regarded as a trusted leader.

On March 5, 1845, he was appointed an Associate Judge of the Supreme Court to succeed Judge Greene C. Bronson.

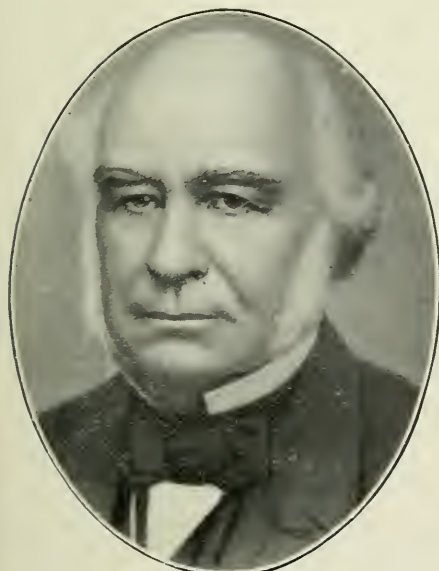
At the election for Judge of the new Court of Appeals under the Constitution of 1846, it can not be doubted that



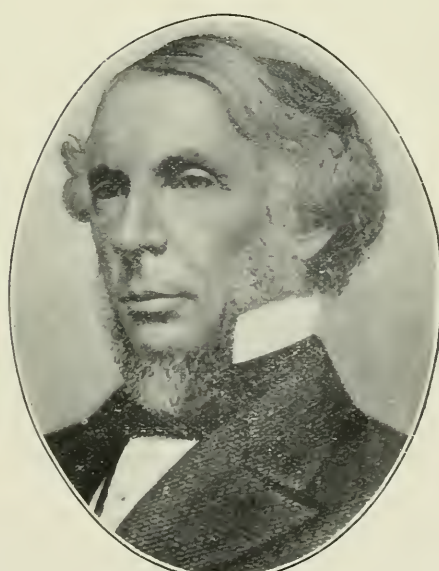
HON. FREEBORN G. JEWETT,
1847—1853.



HON. GREENE G. BRONSON.
1847—1855



HON. HIRAM DENIO,
1853—1856.



HON. GEO. F. COMSTOCK,
1855—1861.

CHIEF JUDGES NEW YORK COURT OF APPEALS—OLD COURT.

Judge Freeborn G. Jewett, who had only in 1845 been placed on the Bench of the Circuit Court, was one of the most prominent Democrats in the State. He was elected and drew a two-year term. Greene C. Bronson drew four years; Charles H. Ruggles, six years, and Addison Gardiner eight years.

He was chosen Chief Judge of the new Court of Appeals, and was the first Chief Judge of that Court.

He was re-elected at the fall election of November, 1849, and served on that Bench until June 23, 1853, when he resigned his seat before the expiration of his term, and was succeeded by Hiram Denio, who was appointed by the Governor to fill the vacancy.

Judge Jewett returned to his practice at the bar. He was one of the most eminent men of the State.

In 1867 he was elected Comptroller and removed to Albany, and was re-elected in 1869.

The late Luther R. Marsh was a law student in the office of Judge Jewett. Judge Edward T. Bartlett, of the present Bench of the Court of Appeals, was likewise a student in his office. He died in New York at the age of 67 years.

He is survived by a son, who bears his name, and who has been in the service of the state. His name and memory will ever be held in the highest reverence by the Democracy of New York.

His opinions in the early volumes of the reports of that Court are models of great learning and research, marked by intellectual strength of a high order, and on questions of practice under the code, were excelled by none of his contemporaries.

HON. GREENE CARRIER BRONSON.

CHIEF JUDGE 1847-1855.

Judge Bronson was born in Oneida, New York, in 1789, and after his admission to the Bar settled in Utica, New

York, where he built up a large and lucrative practice, and became one of the leaders of the Bar in that section of the State.

He served as Surrogate of Oneida County from 1819; was member of the Assembly in 1822; served as Attorney General of the State in 1829, filling that office seven terms, and on January 6, 1836, was appointed a Puisne Judge of the Superior Court. On March 5, 1845, he was elevated to the position of Chief Justice of the Supreme Court, and served until that office was abolished by the Constitution of 1846. On June 7, 1847, he was chosen a member of the new Court of Appeals and drew the term of four years.

In 1851 he resigned from that Bench and Judge Samuel A. Foote, of Geneva, was appointed in his place. He removed to New York City where he was appointed Collector of the Port in 1853. On change of the National administration he was removed from that position.

In 1855 he was the candidate of the "Hard-Shell" wing of the Democratic party for Governor.

In 1860 he was appointed Corporation Counsel, and served to and during 1863 in the City of New York.

He died in Saratoga, New York, September 3, 1863. On the occasion of his death the Court of Appeals adopted an eloquent minute in its records as a tribute to Judge Bronson. He presided as Chief Judge.

HON. CHARLES HERMAN RUGGLES.

ASSOCIATE JUDGE 1847-1855.

Judge Charles Herman Ruggles was born in Litchfield County, Connecticut, February 10, 1789. He was a son of Samuel Buckley Ruggles, and after completing a course of general and professional studies, was admitted to the Bar and entered the practice of the profession of the law at Kingston, New York. He was elected to the lower branch of the Leg-

islature in 1820, and was elected to and served in the Congress of the United States from 1821 to 1823. He took a high position at the Bar and had a large and lucrative practice. On March 9, 1831, he was appointed one of the Circuit Judges of the Supreme Court of Dutchess County, for the Second Circuit, and made a great reputation as a jurist of eminence and distinction. After the expiration of his term he assumed the practice of his profession and was elected to the Legislature of the State. He was a delegate to the Constitutional Convention of 1846. On the organization of the Court of Appeals on June 7, 1847, he was appointed Associate Judge for six years, and at the expiration of his term, was re-elected Nov., 1853. He resigned from this office Aug. 20, 1855. He died in Poughkeepsie, N. Y., January 16, 1865. Judge George F. Comstock was elected to fill this vacancy.

HON. ADDISON GARDINER.

ASSOCIATE JUDGE 1847-1855.

Judge Gardiner was born in Rutledge, New Hampshire, March 19, 1797. His father removed to Manlius, New York. He graduated at Union College in 1819; was admitted to the Bar in 1822, and commenced practice at Rochester, New York.

He speedily rose to eminence and distinction at the Bar of Western New York. He was appointed District Attorney of Ontario County in 1825. He was associated with the Seldens, Samuel and Henry R., as a firm. In 1829 he was appointed Circuit Judge for the Eighth Circuit of the Supreme Court, and served for nine years, when he resigned from the Bench and resumed practice at Rochester.

In 1844, Judge Gardiner was elected Lieutenant Governor on the ticket with Silas Wright.

In 1847, on the organization of the new Court of Appeals, under the Constitution of 1846, he was chosen an Associate

Judge for a full term of eight years, and resigned as Lieutenant Governor.

He served until 1855, when he declined a re-nomination, and again retired to private practice in Rochester, New York, where he had an enormous practice as counsel in important cases, and became almost the leading lawyer in that section of the State, in cases of the utmost importance. His opinions are in the first thirteen volumes of the Court of Appeals Reports. He died at Rochester, June 5, 1883, at the advanced age of 87 years. He served as Chief Judge of that Court.

HON. SAMUEL ALFRED FOOTE.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

April 11, 1851 to Dec. 1851.

Judge Foote was born in Wethersfield Co., Conn., Dec. 19, 1790. He graduated from Union College and studied law in Albany, where his brother Ebenezer Foot, was a lawyer of high standing. He was admitted to the Bar in 1813, and speedily rose to distinction.

In 1819 he was appointed District Attorney of Albany County.

In 1825 he removed to New York and entered into co-partnership with Judge William Kent.

He afterwards was associated with his nephew, Henry E. Davies, and afterwards with Hon. Wm. E. Curtis. He held a high social position in the city and at the Bar for more than twenty years.

In 1844 he went to Geneva, New York, to reside, and on April 11, 1851, on the resignation of Judge Bronson, he was appointed Associate Judge of the Court of Appeals, which he held for the remainder of the term.

His name was prominently mentioned for a place on the Bench of the Supreme Court of the United States during President Tyler's administration, but he was not named.

He was elected to the Assembly from the Ontario District and served in 1855, 1856 and 1857.

He was in the Constitutional Convention of 1867. He was a Democrat in his early life, became a Whig, and later a Republican in political life.

He wrote in 1876, a reply to Judge Jeremiah S. Black's views on the Electoral Commission, that attracted extended notice.

He published and circulated privately his autobiography in 1872. He continued in active practice until he attained the great age of nearly 88 years, retaining his intellectual vigor and powers, and was said to be at his death, the oldest lawyer in practice in the State. He died at Geneva, May 11, 1878.

HON. ALEXANDER S. JOHNSON.

ASSOCIATE JUDGE 1851-1860; 1873-1874.

Judge Alexander S. Johnson was born in Utica, New York, July 30, 1817. He was a graduate of Yale College, and was admitted to the Bar in 1838, and commenced practicing in the city of Utica, where he soon attracted attention in his profession. In the fall of 1851 he was elected to the New York Court of Appeals and served his full term. Judge Johnson served in the Court of Appeals for nine years. In 1860 he returned to Utica and resumed the practice of the law. In July, 1864, he was appointed by President Lincoln United States Commissioner for the settlement of the claim of the Hudson Bay and Puget Sound claims under the Treaty with Great Britain. The duties of this office employed him for about three years. In January, 1873, he was appointed to the branch of the Commission of Appeals, and on the 29th of December, 1873, he was appointed by the Governor a Judge of the Court of Appeals in place of Judge Rufus W. Peckham, who died at sea on November 22nd, of that year.

He was subsequently appointed a Commissioner to revise the Statutes of the State of New York, which position he subsequently resigned to accept the position of United States Circuit Judge for the Second Judicial District.

Judge Johnson may be said to have stood in the first rank as a judge, and his opinions are among the ablest pronounced in the Court of Appeals. They exhibit great research, originality and talent of the highest order. His practice was divided between the city of Utica and the city of New York, before he assumed his judicial positions, and he must be classed among the ablest jurists that have served in this Court. He presided as Chief Judge in the old Court. He died in Nassau, in the Bahamas, January 26, 1878.

HON. HIRAM DENIO.

CHIEF JUDGE.

1853-1866.

Judge Denio was born in Rome, May 21, 1799. He studied law with Judge Hathaway, at Rome, and later with Storrs and White, at Whitesboro. Admitted to the Bar he was the partner of Wheeler Barnes at Rome.

He was appointed District Attorney of Oneida County, and succeeded Samuel Beardsley and served several years.

He removed to Utica and formed a co-partnership with E. A. Wetmore. On May 7, 1834, he was appointed a Circuit Judge under the Constitution of 1821, for the Fifth Circuit. In 1836 he was associated with Ward Hunt.

On June 23, 1853, he was appointed a Judge of the Court of Appeals to fill the vacancy of Mr. Justice Jewitt, resigned, and he was elected November 8th to fill the vacancy, and re-elected November 3, 1857, and again re-elected, retiring from that Bench in 1866. He presided as Chief Judge of the Court of Appeals.

He was a Democrat in politics, but voted for President Lincoln, and during the war of the Rebellion strongly sup-

ported the Government, and was in sympathy with the Union cause.

In 1868 he was stricken with paralysis, from the effects of which he never recovered, and he died in Utica, November 5, 1871.

He should be classed in the front rank of our Judges. His opinions show great learning and research. He was a man of extensive legal knowledge, and his personal character was remarkably pure and upright.

He published five volumes of "Reports of Cases Argued and Determined in the Supreme Court, and in the Court for the Correction of Errors," and in conjunction with Wm. Tracy, he edited the 1852 edition of the New York Revised Statutes in two volumes.

HON. GEORGE FRANKLIN COMSTOCK.

CHIEF JUDGE 1855-1861.

Judge Comstock was born in Williamstown, Oswego County, New York, August 28, 1811, and was the son of Serajah Comstock, a soldier of the Revolution of 1776. He graduated from Union College in 1834, and entered the office of Nixon and Leavenworth.

Admitted to the Bar in 1837, he commenced practice in Syracuse, New York, and rose rapidly to distinction.

In 1847 he was appointed by Governor Young, reporter to the new Court of Appeals, organized that year, and he published the first four volumes of the Reports, continuing meanwhile, in active practice.

In 1852 he was appointed by President Fillmore, Solicitor of the Treasury. On November 7th, 1855, he was elected Associate Judge of the Court of Appeals, vice Ruggles, resigned, and served six years. He served as Chief Justice two years during his term.

He was a Democrat in political views, and was a strong partisan. In 1861, he was defeated as a candidate for re-election. He resumed his practice at the Bar.

He was in the Constitutional Convention of 1867, and with Judge Charles J. Folger, framed the Judiciary Article of the Constitution, which was the only part of the work of that Convention ratified by the people. He was engaged in important litigations as counsel. He initiated the movement to establish the University at Syracuse, donated \$50,000 to the St. John School for boys in that city, and was one of the Trustees of the State Asylum at Syracuse. He died September 27, 1892, in Syracuse.

HON. SAMUEL LEE SELDEN, LL. D.

ASSOCIATE JUDGE COURT OF APPEALS.

1856-1882.

Judge Samuel Lee Selden was born in Lynne, New London County, on October 12, 1800. He had only a common school and academic education. He studied law at Rochesterville, New York, with his brother-in-law, Joseph Spencer, and was admitted to the Bar in 1825, at Rochester, New York. He became the law partner of Addison T. Gardiner, and the firm had early prominence and success. In 1830, he was chosen Clerk of the Board of Trustees of Rochester. Served as Justice of the Peace, and in February 1831, was elected first Judge of the Court of Common Pleas for Monroe County.

He was Clerk of the 8th Chancery Circuit Court of the State of New York, for many years and in 1847, he was elected Judge of the Supreme Court as the candidate of the Democratic party in 1847 under the Constitution of 1846.

Judge Selden was instrumental in a marked degree in the construction of the New Code of Practice and Pro-

cedure then coming in and in settling the practice under it.

He was re-elected at the expiration of his term, and in 1855 he was elected an Associate Judge of the Court of Appeals commencing his term in 1856.

He remained on the Bench of that Court until 1862, when he resigned owing to domestic bereavements.

His decisions reported commencing at vol. 10, and extending to vol. 25, illustrate the bent of his mind, and those relating to Corporations, their powers, duties of officers and liabilities are now classed as the most able and important.

It is stated of Judge S. L. Selden, as a singular fact, that he was elected to the bench of both the Supreme Court, and of the Court of Appeals before he had appeared at the Bar of either.

His private life was exemplary and he held a high social position.

He was one of the original promoters of the Electric Telegraph System: He contributed to the construction of the first section of the line under the Morse Patent connecting the Seaboard with the Western States and for fifteen years was prominently and usefully connected with the introduction and completion of the System.

He lived and died at Rochester, New York, on September 20, 1876.

The University of Rochester conferred the Degree of L. L. D., upon him in 1856. He served in the Court of Appeals as Chief Judge, and was succeeded on that Bench on his resignation in 1862, by his younger brother, Henry R. Selden.

HON. HENRY EBENEZER DAVIES, LL. D.

CHIEF JUDGE 1859-1867.

Judge Davies was born in Black Lake, St. Lawrence county, New York, February 8, 1805, and was a son of Thomas John Davies and Ruth Foote; was of English descent, and

his father served as County Judge of St. Lawrence in an early day. He did not have the advantages of a classical education, and he was placed in the family of Judge Alfred Conklin, of Canandaigua, at 14 years of age, and after studying at schools, he studied law, and was admitted to the Bar at Albany in 1826. He commenced practice in Buffalo, where he was made City Attorney. In 1829, he removed to New York and entered into partnership with his uncle, Samuel A. Foote.

In 1848 he formed a partnership with Wm. Kent, son of the Chancellor. In 1853 he formed the co-partnership with Mr. Scudder.

In 1840 he was elected an Assistant Alderman, and in 1842 was elected an Alderman. In 1850 he was appointed Corporation Counsel. He was the author of a work on the ancient and mediaeval charters of the City, and the laws relating to the city.

In 1855 he was elected Justice of the Supreme Court to fill the vacancy caused by the death of Judge Robert H. Morris, who died October 23, 1855.

His seat was contested on the ground that no notice of the vacancy had been filed by the Secretary of State, but the Court of Appeals sustained his election.

In 1859 he was elected to the Court of Appeals for a term of eight years, the last two years of which he served as Chief Judge. He declined a re-election, and resumed private practice, and became counsel for the Mutual Life Insurance Co., and other large corporations, but did not engage in trials. He was made Dean of the Law School of the University of the City of New York in 1870, and held it until his death, which occurred December 17, 1881, in New York city.

He married Rebecca Waldo Tappan, of Boston, and he left four sons and two daughters at his death; Wm. G. Davies, Esq., and Julian T. Davies, Esq., two of his sons, both lawyers of prominence in New York City.

HON. WILLIAM B. WRIGHT.

CHIEF JUDGE COURT OF APPEALS.

1861—1868.

William B. Wright, son of Samuel Wright, was born at Newburgh, April 16, 1806. At the age of fourteen he began learning the printer's trade with one Gazley, with whom he remained until he reached his majority, during which time he availed himself of the use of the law library of that gentleman, and became somewhat proficient in that study while a printer. He read law with Mr. Ross, of Newburgh, was admitted to the Bar, and after editing a newspaper for one year in Goshen, N. P., he settled in Monticello, in the practice of his profession, where he remained until his removal to Kingston in 1852.

He married in December, 1846, Martha, daughter of Jesse Crissey, of Monticello, and at the time of his death left one surviving daughter, Kate, whose husband, La Rue P. Adams, lieutenant-commander United States Navy during the late Rebellion, died January 11, 1868; her present husband being F. J. R. Clark, a druggist, in Kingston.

Judge Wright first came prominently before the public in 1846, having been elected to the Constitutional Convention from Sullivan County, where he then resided. During the deliberations of that body he attracted attention to himself by the wisdom of his suggestions and by the great ability with which they were presented. Without seeking notoriety he acquired a solid reputation, and on the adjournment of the convention his friends predicted for him a distinguished future. In the autumn of 1846 he was elected to the Assembly from Sullivan County, and his name was presented for Speaker. He possessed, in an eminent degree, all the requirements for that position, but he was not successful.

In June, 1847, at the first election of Judges under the new constitution, Judge Wright was elected to the Supreme Court bench from the Third District, and was twice re-

elected to the same position. His associates elected in 1847 were Ira Harris, Amasa J. Parker and Malborn Watson. In 1861 he was elected one of the Judges of the Court of Appeals, and was Chief Judge of that Court at the time of his death, January 12, 1868, which occurred at "Congress Hall," in Albany, having thus been on the bench of our highest courts for more than twenty years. He enjoyed through the entire period the respect and esteem of the profession and the affection and confidence of the people.

Judge Wright was not popularly attractive in his manner. It required more than a casual acquaintanceship to fully appreciate all the amiable phases of his private character. It was only his more intimate friends who knew how genial he was, and how fully he enjoyed the relaxations of social life.

He was decided in his political views, intense in his patriotism, unwavering in his friendship, of unerring common sense, sound judgment and profound learning. He adorned the high position which he so long occupied, and in his death the profession lost one of its brightest ornaments, and the State one of her purest and most patriotic citizens.

HON. HENRY ROGERS SELDEN, LL. D.

ASSOCIATE JUDGE COURT OF APPEALS.

July 1864-1865.

Henry Rodgers Selden, was born in Lynne, New London Co., Conn, October 14, 1805, was the son of Joseph Selden, once of a prominent family that had lived in the Valley of Connecticut for two centuries.

He was educated like his brother Samuel Lee Selden, in the common school and studied law at Rochester, New York, in the office of Gardiner & Selden.

He was admitted to the Bar in Utica, in 1830, and commenced practice in Clarkson, Monroe County, N. Y.

In 1851, he was appointed Reporter of the Court of Appeals and he edited the Reports of that Bench from the 5th to the 10th both inclusive.

He edited "Seldens Notes of Cases in the Court of Appeals" cotemporarily with the Reports.

His health failing he resigned as Reporter in 1854. In 1856, he was the candidate of the Republican party for Lieutenant Governor and elected.

In 1862, on the resignation of his brother Samuel Lee Selden, he was appointed by Governor Morgan Associate Judge of the Court of Appeals to fill that vacancy.

He was under the law as it then stood entitled to preside as Chief Judge of the Court, having the shortest term to serve but declined that honor in favor of Judge Denio, who was the next in order of succession.

He was elected by the people at the next election.

His decisions will be found in vol. 25 to 31, inclusive.

In January, 1865, he resigned from that Bench, and Hon. John K. Porter was appointed in his place.

He was elected to the next Legislature from Monroe County where he continued to reside and served one term.

He was one of the signers of the Call for the Convention of 1872, which nominated Horace Greely for President.

Yale conferred the degree of L. L. D., upon him in 1858. In 1872, he retired from practice, and passed the rest of his life at Rochester, N. Y., where he died, September, 1885.

HON. JOHN K. PORTER.

ASSOCIATE JUDGE 1865-1868.

Hon. Associate Justice John K. Porter was born at Waterford, Saratoga County, N. Y., January 12, 1819. He was a son of Dr. Elisha Porter, of the Norwich Court. He removed to Vermont and there acquired a large fortune. Judge Porter graduated from Union College in 1837. He studied law with Judge Nicholas B. Dudley, of Saratoga, with whom he entered into partnership on his admission to the Bar in 1840. He was a delegate to the Whig National

Convention of 1844, and was elected a delegate to the Constitutional Convention of 1846, where, notwithstanding his youth, he attracted marked attention. In 1848 he removed to Albany, first associating himself with Recorder D. Wright, of that city, but shortly afterwards became a member of the firm of Hill, Cagger and Porter, one of the most celebrated legal firms in the history of the State, and deservedly won the position of being one of the most successful lawyers at the State Capital, both before juries and in the argument of cases in the higher courts, and on the death of Nicholas Hill, took the place of that great lawyer in the argument of important cases before the Court of Appeals. He held a brief with Charles O'Connor in the Parish Will case; with William Curtis Noyes in sustaining the constitutionality of the Legal Tender Act of 1862; he successfully defended Horace Greely in the libel suit brought by D. C. Littlejohn, Speaker of the Assembly, over the adverse charge of the Judge. These and other cases gave him such professional prominence that in January, 1865, he was appointed by the Governor to fill the vacancy occasioned by the resignation of Judge Henry R. Selden, and was elected to fill the office in November, 1865. Judge Porter sat upon the Bench of this Court until he resigned in 1868, when he removed to New York, where he organized the law firm of Porter, Lowry, Soren and Stone, and immediately occupied a high position at the Bar in the City of New York, his firm representing the Western Union Telegraph Company, the Central Pacific Company, and the Metropolitan Railway System, where he entered in a successful and most lucrative practice, which continued for many years. He died at Saratoga, Apr. 11, 1892. Judge Porter was in many respects, one of the ablest jury lawyers of the State. He was employed in many of the most important and celebrated cases of his day. He was one of the counsel associated with Mr. Evarts in the defense of Henry Ward Beecher, and his last public appearance professionally, was as counsel for the Government on the retainer of President Arthur on the trial of Guiteau.

HON. WARD HUNT.

CHIEF JUDGE 1865-1870.

Judge Hunt was born at Utica, New York, June 14, 1810. He graduated at Union College, and was admitted to the Bar in 1831, studying with Hiram Denio and at Judge Gould's Law School at Litchfield, Conn.

He formed a partnership with Hiram Denio at Utica. In 1839 he served in the State Legislature.

In 1865 he was elected Judge of the Court of Appeals to succeed Judge Denio, and in 1867 he was promoted to Chief Judge of that Court.

In 1872 he was tendered the seat, a vacancy caused by the resignation of Judge Samuel Nelson, by President Grant, which he accepted, on the Bench of the Supreme Court of the United States, and resigned his place in the New York Court of Appeals. He was allotted to the Second Circuit..

In January, 1879, he was stricken with paralysis, which was not fatal at the time, but forbade judicial labor.

In 1882 Congress authorized his retirement on a pension, and he died at Washington, March 25, 1886.

HON. MARTIN GROVER.

ASSOCIATE JUDGE 1867-1875.

Judge Martin Grover was born in Lawrence, Otsego county, New York, October 20, 1811. He was educated at Hardneck Academy, in that county. He studied law with Wm. G. Angel at Angelicia, Albany county, New York, and became a member of Mr. Angel's firm.

He won a great reputation as a jury lawyer, and was elected to Congress in 1844. He only served one term. He practiced law with Lewis Simons, Esq. He continued his practice winning great renown. He was the most success-

ful jury lawyer in western New York at this time. He was careless in his dress and was sometimes called the "Ragged Lawyer."

He was almost invulnerable before juries. He travelled the circuits in the Seventh and Eighth Judicial districts, in the boyhood of the author of this sketch, and would be retained on either one side or the other in more than half the trials.

In 1857 he was elected to fill a vacancy caused by the death of Judge James Mullitt. In 1859 he was, at the end of the vacancy, elected for a full term.

He rotated into the Court of Appeals as a Supreme Court Judge under the then existing system in 1859 and in 1867. In 1867, at the expiration of his term as a Judge of the Supreme Court, he was elected a Judge of the Court of Appeals for eight years. He served until the change in the Constitution, and the adoption of the new judiciary article, and the organization of the new court, June, 1870, and he was then elected an Associate Judge for the term of fourteen years.

He served as such until his death, August 23, 1875, caused as was believed, by severe and unrelenting labor without any regard for his health.

Judge Grover was an ardent Free-Soiler. He was with David Wilmot in the famous Wilmot Proviso. On the stump in a political canvas few men in public life to-day were at all comparable to him.

He was an inveterate opponent of slavery and its extension. The portrait of him at the Capitol does not do him justice.

In the 59th Volume of the Court of Appeal's Reports, is a beautiful tribute to his gifts and genius by a master hand, based upon an observation of his career as a jurist and especially as a judge.

It was not, however, as a judge that the great superiority of Martin Grover was observable. He did excel far more for his wondrous eloquence; none stood more strongly promi-

nent when contrasted with his contemporaries, as an orator and a popular speaker, and most conspicuously as a jury lawyer.

No man I have ever heard at the Bar excelled Martin Grover in his prime, as an advocate before a jury.

His colleagues in the Court of Appels had no conception of his wonderful power. If Cicero's definition of eloquence as "the art of persuading men," was to be the standard, and the juries of Western New York the forum, no man in the State was his superior, if any one in the State was his peer.

HON. LEWIS B. WOODRUFF,

ASSOCIATE JUDGE 1868-1869.

Judge Lewis B. Woodruff was born in Litchfield, Conn., June 19, 1809. He graduated with honors at Yale in 1830; studied law under Judge Gould in the Litchfield School, and was admitted to the Bar in 1832. He removed to New York and entered into practice with the Hon. Willis Hall, continuing until 1836. He was later associated as partner with Judge Wood, and also with Richard Goodman. In 1849 he was elected to the Bench of the Court of Common Pleas in the City of New York, succeeding in that office Judge Ulshoeffer. He served on that Bench until 1855, when he was elected Associate Justice of the Superior Court of the City of New York, and served upon that Bench from 1856 to 1861. On his retirement from the Bench of the Superior Court he resumed the practice of the law in partnership with Hon. Charles F. Sanford. On the resignation of Judge John K. Porter, he was appointed by the Governor Associate Judge of the Court of Appeals to fill that vacancy, January 4, 1868, and served on that Bench from January, 1868, until the end of 1869. At the expiration of his official position as Judge of the Court of Appeals, he immediately entered upon the

duties of the office of Judge of the United States Circuit Court, Second District, on which Bench he served until his death in Litchfield, on September 10, 1875.

Judge Woodruff was a man of dignity and his career as Judge was characterized by great ability, research and application. In the later years of his life he gave particular attention to the subject of Admiralty and the laws applicable to Patent cases, and his decisions in this branch of the law, show great erudition, research, and are of great value to the profession.

HON. CHARLES MASON.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

January 26, 1868, to December 31, 1868.

Hon. Charles Mason, of Hamilton, Madison County, was first elected a Justice of the Supreme Court under the Constitution of 1846, in the Sixth Judicial District of the State with Judges Wm. H. Shankland, who by lot drew for two years; Hiram Gray for four years; Mason for six years; and Eben B. Morehouse for eight years. His term expiring in 1853, he was re-elected, in the fall of that year, for the full term of eight years, and in the fall of 1861, he was again re-elected for the full term.

On the death of Hon. Wm. B. Wright, of the New York Court of Appeals, in the beginning of the January Term of that year, the Governor appointed Hon. Charles Mason an Associate Judge of the Court of Appeals on the 20th of January, 1868, and he served in that court for the year 1868, as an Associate Judge.

This terminated the judicial service of Judge Mason, who won a high and unblemished reputation on the bench as jurist and citizen, which extended from 1845 to 1869.

We regret not to have the date or place of his birth or of his death. We are indebted to Hon. Geo. B. Bradly, of Corning, for data as to Judge Mason's life and career.

HON. ROBERT EARL, LL. D.

CHIEF JUSTICE NEW YORK COURT OF APPEALS.

CHIEF JUDGE 1869-1895.

I was born in the village of Herkimer, September 10, 1824, and have always lived there since. My father was John Earl, whose ancestor, Ralph Earl, came to this country from England about 1630, and settled at Providence, R. I. His mother was Margaret Saloma Petry, a daughter of Dr. William Petry, a native of Germany, who came to this country in 1765, and settled there. He was educated as a physician and lawyer in the German universities, and was a surgeon in the army of Frederick the Great, in the same command with Baron Steuben. He was a surgeon in General Herkimer's Brigade, and acted as such at the Battle of Oriskany, and he was a member during the war of the Tryon County Committee of Safety. He died in 1806. I was prepared for college in the Herkimer Academy, and entered the junior class of Union College in 1843, and was graduated in 1845. I was then appointed principal of the Herkimer Academy for two years, at the same time pursuing the study of law. I studied law with Judge Charles Gray, of Herkimer, and was admitted to the bar in January, 1848. I entered upon the practice of my profession at Herkimer with my older brother, Samuel, under the firm name of S. & R. Earl, and, until my election to the Court of Appeals, we were engaged in most of the important cases tried in this county.

In the Spring of 1848 I purchased the Herkimer County Democrat, a democratic newspaper published here, and conducted it as editor until 1853.

In October, 1852, I was married to Juliet L. Wilkerson, of Richfield, Otsego county, and we lived together until 1900, when she died. We had no children.

After holding various town and village offices, I was elected County Judge and Surrogate of Herkimer County in the Fall of 1855, for a term of four years.

In the Fall of 1869 I was the Democratic candidate for Judge of the Court of Appeals and was elected. I served as Chief Judge of this court until July, 1870, when this court went out of existence and the new court came into existence under a Constitutional Amendment adopted in the Fall of 1869. I then, by virtue of the Constitution became, with the other Judges, and two more appointed by the Governor, a Commissioner of Appeals, and served as such until July, 1875. In the Fall of that year I was appointed by Governor Tilden a judge of the Court of Appeals to fill a vacancy and held under that appointment until January 1, 1877. In the Fall of 1876 I was again the Democratic candidate for Judge of the Court of Appeals, and was elected for a term of 14 years. In the Fall of 1890 I was nominated by both political parties, and again elected for a term of 14 years, but on account of the age limit, I could serve but four years, and on that account I retired January 1, 1895. I again served as Chief Judge during the year 1892, having been appointed by Governor Flower to fill the vacancy in that office caused by the death of Chief Judge Ruger in January of that year. Thus, I served in the Court of Appeals, (including my service upon the Commission nearly 25 years, a longer term than any one else ever served in the highest Court of this State, except Judge Andrews, who being younger, was able to serve two and one-half years longer. A count of the opinions will show that I wrote a greater number than any Judge who ever sat there.

After leaving the Court, Mrs. Earl and I gave our home for a public library. We fitted it up for that purpose, and put 2,000 volumes in it, and conveyed it to a library corporation called the Herkimer Free Library, all worth at least \$30,000. It now has almost 8,000 volumes. I also aided in incorporating about the same time, the Herkimer County Historical Society, of which I have been the president ever since. No historical society in the State has done better

work, and I have contributed many papers. I have received the degree of Doctor of Laws from both Union and Columbia Universities. I am the last survivor of the Judges elected to the old Court of Appeals.

The foregoing sketch was written by Chief Judge Earl and sent to the editor of this work the year before his death, with a beautiful portrait of himself. He had been elected to many organizations and societies, and accepted the position of Honorary Member of the Medico-Legal Society, to which he had been elected, and he died in 1903, at Herkimer, N. Y., universally loved, revered and respected by all who knew him.

HON. JOHN A. LOTT.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

ELECTED NOV. 2, 1869, SET TO JULY, 1890.

(For sketch of his life and career, see Commission of Appeals of which he was the Chief Judge during the whole period of its existence.)

NEW YORK COURT OF APPEALS.

JUDGES OF THE COURTS OF APPEALS UNDER THE
CONSTITUTIONAL AMENDMENT OF 1869.

HON. SANFORD E. CHURCH.

CHIEF JUDGE NEW YORK COURT OF APPEALS.
1870-1880.

Judge Sanford Elias Church was born at Milford, Otsego County, New York, April 18, 1815. His parents were from Connecticut and of English and Scotch descent. His early education was obtained in the common schools of Monroe County, New York, where his parents went in an early day, and at the Monroe Academy. He moved in 1835 to Albion, and resided there, except a short residence in Rochester, during his career.

In 1843 he was associated in practice with Noah Davis, afterwards Judge of the Supreme Court for thirteen years; after which his firm was Church and Sawyer, of Albion. In 1862 Mr. Church took the place of Judge Selden in the firm of Selden, Munger and Thompson at Rochester, the firm becoming Church, Munger and Cooke, and it was from this firm that he went on the Bench of the Court of Appeals. In 1842 Judge Church was elected to the Assembly from Orleans County. In 1845 he was appointed District Attorney of Orleans County by Governor Silas Wright, to fill a vacancy, and was elected to the office by the people.

In 1850 he ran on the Democratic ticket for Lieutenant-Governor, Horatio Seymour being the Democratic candidate for Governor.

Washington Hunt, who was the Whig candidate, (the election being close), was elected by about 200 majority, while Church ran ahead of his ticket and was elected.

In 1852 the same ticket was nominated by the Democrats, and both Horatio Seymour and Mr. Church were elected.

In 1857 he was chosen Comptroller of the State, but was twice defeated with his party when a candidate for the same office in 1859 and also in 1864.

He was a member of the Constitutional Convention, of 1867, and chairman of its Finance Committee.

At the National Democratic Convention of July, 1868, held in New York, his name was presented by the New York delegation for the Presidential nomination, when Horatio Seymour was finally nominated.

He took a prominent part in National politics, and was a delegate to the Democratic National Conventions of 1844, 1860, 1864 and 1868.

He was the nominee of his party for Chief Judge of the Court of Appeals in 1870, when that Court was established. He defeated the opposing candidate, Henry R. Selden, of Rochester, by 90,000 votes.

He served with great acceptability, both to the people and the Bar, until his death, which occurred suddenly without previous illness, at Albion, New York, on the 14th of May, 1880, in the sixty-sixth year of his age.

On his death Hon. Charles J. Folger, the senior Associate Judge of that Bench, and who subsequently became Chief Judge, prepared a superb memorial of his life and career, which was read in the Court, and extracts from which are quoted in the life of Judge Church by Irving Browne, of the Albany Law Journal, from whose sketch the leading data for this biography is obtained.—(Vide Public Service of the State of New York, Vol. III., pp. 42-47.)

HON. CHARLES JAMES FOLGER, LL. D.

CHIEF JUDGE NEW YORK COURT OF APPEALS.

1880-1881.

Judge Charles James Folger was born on the Island of Nantucket, Mass., April 16, 1818. His father was born there, and his paternal ancestors settled there nearly two hundred years ago. His mother was born in London.

In 1830 the family moved to Geneva, New York, where Judge Folger spent the remainder of his life.

He attended the common schools at Nantucket; the Plainfield Academy, Conn., and at Geneva, now Hobart College, where he graduated at eighteen.

He entered the office of Mark H. Sibley and Alvah Worden, at Canandaigua, on graduating, and afterwards studied with Bowen Whiting, of Geneva, and John M. Holley, of Lyons, was admitted to the Bar in 1839, when twenty-one years of age, and immediately commenced practice at Geneva, N. Y. In 1844 he was appointed First Judge of the Court of Common Pleas of Ontario County, and was later commissioned as Master in Chancery.

In 1851, when the office of County Judge became an elective office, he was elected County Judge of Ontario County, and served in this position four years.

In 1861 he was elected to the State Senate from the Ontario district, and served as such to and including the session of 1869, serving as President pro tem for four years, and during his whole period of service was chairman of the Judiciary Committee of the Senate.

He was re-elected in 1869 but resigned to accept the position of Assistant Treasurer of the United States at New York under an appointment by President Grant. He held this position until 1870, when he resigned upon his election as an Associate Judge of the Court of Appeals of the State.

On the death of Chief Justice Sanford E. Church, in May, 1880, he was appointed by the Governor Chief Judge of that

Court, and in the fall of that year he was elected to that position by the people. He resigned this position in 1881 to accept the office of Secretary of the Treasury in the Cabinet of President Arthur, and his place as Chief Judge was filled by Charles Andrews.

He continued in President Arthur's Cabinet until his death, which occurred at Geneva, September 4, 1884.

Judge Folger was tendered the position of Attorney General by President Garfield but declined it.

In September, 1882, he was the nominee of the Republican party for Governor of the State, but a serious defection in the party resulted in his defeat, Grover Cleveland, the Democratic candidate, receiving nearly 200,000 majority. This defeat preyed upon him and seriously affected his health, and as many thought, led to his death.

He was a member of the Constitutional Convention of 1867, and was chairman of the Judiciary Committee of that body. In person he was tall and of a commanding and dignified presence, being nearly six feet in height. He was a handsome man and had pleasant and agreeable manners, and had strong personal friends. Both Hobart and Rutgers Colleges conferred the degree of LL. D. upon him.

HON. CHARLES ANDREWS.

CHIEF JUDGE NEW YORK COURT OF APPEALS.

1881-1897.

Judge Andrews was born at Whitestown, Oneida Co., New York, May 27, 1827.

He was educated at the common schools and at the Seminary of the Oneida Conference, at Geneva, New York.

He commenced the study of the law in the office of Sedgwick and Outwater, in Syracuse, N. Y., and was admitted to the bar January 4, 1849.

In 1851, he formed a partnership with Hon. Charles B. Sedgwick. The firm name was Sedgwick and Andrews.

Hon. Geo. N. Kennedy became later a member of this firm. He was elected Associate Judge of the Court of Appeals May 17, 1870, and took his seat January 1, 1870,

Before his election as Judge he served as District Attorney of Onondaga County for three years, from November, 1853.

He was Mayor of Syracuse for 1861-1862, and again in 1868.

When Judge Folger was made Secretary of the Treasury of the United States, Judge Andrews was appointed by Governor Cornell to fill the vacancy in 1881. He was a delegate at large to the Constitutional Convention of 1867.

In 1884 he was elected Associate Judge. In 1892 he was elected Chief Judge of the Court of Appeals as the candidate of both parties, and served till 1893, when he was retired by age limit, December 31, 1897. He married Marcia A. Shankland May 17, 1855, and on leaving the bench retired to Syracuse, N. Y., where he spent the remainder of his life.

WILLIAM CRAWFORD RUGER.

CHIEF JUDGE NEW YORK COURT OF APPEALS.

1882-1892.

Chief Justice Ruger was born January 30, 1824, at Bridgewater, Oneida County, New York, and was the son of John Ruger, of the Oneida Bar.

His education was derived from the common schools and at the academy, after which he entered his father's office as a law student. He was admitted to the Bar at Utica, in 1853. He commenced practice in Bridgewater, but removed to Utica in 1853, where he remained in active and successful practice until his election to the Bench in 1882.

He ranked among the oldest lawyers of the Onondaga bar, not as a jury lawyer or advocate so much, as in his suc-

cessful conduct of important cases. He was rarely unsuccessful and had a great ability in the preparation and management of his cases, and established a very high reputation with the Bar of the State. He took a prominent position also, as a leader of the Democratic party of the State. He was twice nominated for Congress from the Oneida district in 1864 and 1866, but was defeated both times.

It was, however, on the Bench of the Court of Appeals that he most distinguished himself. He was, perhaps, the most fearless and conscientious judge that ever sat on that Bench as Chief Judge. He sat from November, 1882, until his death January 14, 1892. He succeeded Charles Andrews as Chief Judge, who sat from November 7, 1881, until November, 1882.

He had the courage to maintain and be true to his convictions, and to be oblivious to popular clamor or public censure a rare virtue.

On great occasions he was firm and unshaken, and the Bar owes him a debt of gratitude it can never repay for his decision in the Sharpe case, when the public press and public clamor had created a necessity for such a decision, as he was most influential in securing in the Court of Appeals.

His opinions show great impartiality, and that they were governed by legal principles. He has been criticised only as having too much regard for precedents in a court where it was a duty to over-rule a precedent if it was bad or in violation of the principles of law. He died at Syracuse, New York, January 14, 1892.

HON ALTON B. PARKER, LL. D.

CHIEF JUDGE NEW YORK COURT OF APPEALS.

1891—Still Serving.

Hon. Alton Brooks Parker was born at Cortland, N. Y., May 14, 1852. He was educated in the public schools at Cortland Academy, the State Normal school and the Albany law

school. After admission to the bar he commenced practice at Kingston, N. Y. He took an early interest in political affairs. In 1876 he was elected Surrogate of Ulster County, and served from 1877 to 1885. He was prominent in Democratic councils and was chosen delegate to the National Democratic Convention in 1884, when only 32 years of age, and was tendered the office of First Assistant Postmaster General in 1885, which he declined. He was in the same year made chairman of the Democratic State Committee, and was elected to the Supreme Bench and took his seat January 1, 1886. He served in the General Terms and was designated as Associate Justice of General Term of Supreme Court in the first Judicial District for 1893 and 1894, and to the Appellate Division of the First Department, when organized under the new Constitution.

He was appointed an Associate Judge of the Court of Appeals, Second Division, by the Governor on the organization of that court and served on that bench from its organization to its closing session, 1889 to 1892. In 1896 he was appointed on the bench of the Supreme Court Appellate Division as Associate Justice when that court was organized.

In 1897 he was elected Chief Judge of the Court of Appeals, which position he has since held. He has been conspicuous in the councils of the Democracy of the State of New York and has been regarded as the most desirable and available candidate of that party for the Presidency of the American Union. He has already had seventeen years of judicial service and although he will not be fifty-two years of age on May, 1904, he is the most conspicuous man in the approaching Presidential contest upon the Democratic side. His term on the bench of the Court of Appeals will not expire until 1911. It is doubtful if any judge of his age has had so varied and extended judicial experience.

Union conferred the Degree of LL. D. upon him in 1901.

ASSOCIATE JUDGES NEW YORK COURT OF APPEALS.

HON. WM. FITCH ALLEN.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.
1870-1878.

Judge Wm. Fitch Allen was the eldest son of Abner Henry Allen and Cynthia Palmer, a sister of the mother of Chief Justice Church, and was born in Wyndham County, Conn., January 28, 1808. His parents removed to Schenectady County, New York, in 1814. He graduated at Union College in 1826; commenced the study of the law in the office of Hon. John C. Wright, at Esperance, Scholarie County, New York; finished his studies at Rochester in the office of C. M. and E. S. Lee, and was admitted to the Bar in 1829.

He commenced practice that year in Oswego, New York, with Hon. George Fisher, which continued until about 1833 or 1834, when he was associated professionally with Abraham P. Grant, Esq., which continued until his election to the Supreme Bench.

He filled many village, town and county offices, and for several years was a Master in Chancery and a Supreme Court Commissioner. He was elected to the Legislature from Oswego county in 1843 and 1844, serving in the first as Chairman of the Committee of Ways and Means, and in the latter as Chairman of the Judiciary Committee.

In 1845 President Polk appointed him United States Attorney for the Northern District of New York, a position which he held until elected to the Supreme Bench in 1847.

Under the new Constitution of 1846, he was in 1847, elected a Justice of the Supreme Court, drawing the long term,

and in 1856 was re-elected without opposition, overcoming a Whig majority in his district. He sat in the Court of Appeals under the rotation system, as a Judge of the Supreme Court, during 1855 and in 1862.

He was nominated by his party for Governor of the State while serving as Judge, but declined to accept it, preferring the judicial position. He served as Associate Judge from 1876 to 1878, when he died, and Samuel Hand was appointed by the Governor in his place.

HON. RUFUS WHEELER PECKHAM.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1870-1873.

Judge Peckham was born in Rensselaerville, Albany County, New York, December 20, 1809. When a youth his father removed to Otsego County and settled near Cooperstown.

He was prepared for college at Hartwick Seminary, under the charge of Rev. D. T. Hazelins. At sixteen years of age he entered Union College in 1825, and graduated with honors in 1827, being only two years in college.

He went to Utica, where a brother resided, to study law, and entered the office of Greene C. Bronson and Samuel Beardsley, eminent men, who both subsequently became Chief Justices.

Admitted to the bar in 1830, he commenced practice with his brother George, at Albany, and very shortly took a leading position at the Albany bar, then a brilliant body, having among it such names as Samuel Stevens, Marcus T. Reynolds and Henry G. Wheaton.

In 1838, Governor Marcy appointed him District Attorney of Albany County. He continued in this office until 1841, when he was succeeded by Henry G. Wheaton, appointed by Governor Seward, when the Whigs came into power.

He was a candidate before the New York Legislature for the office of Attorney General, as Democratic candidate, and was defeated by John Van Buren by only one vote.

In 1852 he was elected to Congress from the Albany district, and served one term during the administration of President Pierce. He resumed practice at Albany as the partner of Lyman Tremaine, and entered upon a large and lucrative practice.

In 1857 he was the nominee of his party for Judge of the Supreme Court, but was defeated. He went abroad in 1859 with Chief Justice Beardsley, to whom he was most devotedly attached.

In the fall of that year he was elected to the Supreme Bench, defeating Ira Harris, one of the ablest and most excellent judges of the State.

He served one term there of eight years, and was re-elected, no candidate being named against him.

He sat in the Court of Appeals under the rotation system in 1866. In 1870, before the expiration of his term, he was elected an Associate Judge of the Court of Appeals for the full term of fourteen years.

In 1873, broken in health, he sailed for Europe for rest and recreation, in the ill-fated steamer "Ville de Havre," with his wife, and they both perished at sea, November 22, 1873.

He left two sons of eminence at the bar: Wheeler H. Peckham, a leader of the Bar in New York, and Rufus W. Peckham, now on the Bench of the Supreme Court of the United States.

His tragic death electrified and thrilled the Bar of the State.

When death was certain and imminent, and all hearts quailed before the terrible fate, his splendid form and commanding figure, exhorting to them all on the deck of the sinking vessel—his wife among them—"If we are to go down, let us go down bravely."

The most beautiful and touching tribute paid him, after the splendid memorial of his brethren of the Court of Appeals, was the words of Irving Brown in his memorial sketch of this superb life.

“As his contemporaries love to review his traits of mind and heart, so they delight to recall his physical image. He was one of the most distinguished looking men of the State. He had the form of an Apollo and a face like a Spanish grandee’s looking out from a frame of Velasquez. Erect and soldierly, always elegantly dressed, moving with a natural dignity, only enhanced by a slight accidental lameness; his complexion ruddy, his features strong and noble; his hair gray and waving, with no beard, save a gray moustache; his was a form and face, once seen never to be forgotten, and they are depicted with their true grace, but scarcely with their proper strength, in his portrait, now hanging on the wall of the Court of Appeals Chamber.”

HON. CHARLES A. RAPALLO.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1870-1887.

Judge Charles A. Rapallo was born in the city of New York, September 15th, 1823, and resided there for the whole of his life. He was the son of Anthony Rapallo, a native of Italy, who emigrated to the City of New York early in the century, and held a high position, both as a lawyer and a linguist. His mother was Miss Elizabeth Gould, daughter of Benjamin Gould, of Massachusetts Revolutionary fame. She was a sister of Benjamin A. Gould, of Boston, and of Hannah F. Gould, the poetess.

Young Rapallo was educated wholly by his father, attending neither school nor college.

In 1837, when but fourteen years of age, he commenced the study of the law in his father’s office, and with Jonathan

Miller, and was admitted to the Bar in 1844. He formed a partnership with J. Blunt, and practiced from 1845 to 1848, and then he formed a partnership with H. F. Clark, which continued from 1848 to 1867.

In 1870 he was elected on the Democratic ticket as Associate Judge of the Court of Appeals and served in that office.

In 1870 he was the Democratic nominee for Chief Justice of that party against Charles J. Folger, but was defeated with his party. He died December 28, 1887.

HON. THEODORE MILLER.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1875-1887.

Judge Theodore Miller was born in 1816. He was educated in the common schools and studied law and was admitted to the Bar in 1837. He was elected District Attorney of Columbia County, where he resided, in 1842, and served from 1843 to 1845.

He won distinction by his successful prosecution of the leaders of the anti-rent agitation.

He was elected Judge of the Supreme Court in the fall of 1861, and was the presiding justice of the General Term in the Third Department during the last four years of his term. In 1874 he was elected to the Bench of the Court of Appeals and served on that bench from 1875 to the end of 1886, when he retired from the bench by the age limitation.

He held a deservedly high reputation as a Judge, and on leaving the bench he retired to Hudson, New York, where he resided until his death August 18, 1895, at the advanced age of 79 years.

HON. SAMUEL HAND.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

June 10, 1878 to December 31, 1878.

Judge Samuel Hand, a son of Judge Augustus C. Hand, was born in Elizabethtown, New York, in 1834. He graduated from Hamilton College and studied law in his father's office; was admitted to the Bar and practiced until 1860. He formed a partnership with John V. L. Pruyn, of Albany, and in 1861, when Mr. Pruyn retired, was junior in the firm of Cagger, Porter and Hand.

He was associated, professionally, in 1865, with Matthew Hall, Nathan Schwartz and Charles S. Fairchild, and finally, Hand and Hale remained partners for years.

In 1866 Mr. Hand was corporation counsel for the City of Albany, and from January, 1869, to March, 1872, he was Reporter of the Court of Appeals.

In June, 1878, on the death of Judge Allen, of the Court of Appeals, Mr. Hand was appointed by Governor Robinson to that position, to fill the vacancy. He held it only for that year, Judge Danforth being elected in the fall of 1878.

He was appointed by Governor Samuel J. Tilden member of the Charter Commission. He resumed his practice and became one of the leading counsel for the Bar of the State, in the argument of appeals before the Court of Appeals. He died at 52 years of age. May 21, 1886, in the zenith of his professional life.

HON. GEORGE FRANKLIN DANFORTH, LL. D.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1879-1889.

Judge Geo. F. Danforth was born in Boston, Mass., July 5th, 1819. He was the son of Isaac Danforth. His mother's maiden name was Dolly Hutchins, both of whom were natives of New Hampshire, descended from English ancestry.

He prepared for College in the schools of Boston and attended the famous "Latin School" of that city. He entered Union College and graduated there. He commenced the study of the law at Rochester, New York, in the office of Hon. Jasper N. Gilbert, afterwards Judge of the Supreme Court, and he was admitted to the Bar of the Seventh District in 1843.

He commenced the practice of his profession at Rochester and arose to great distinction at the bar of western New York, becoming a bar leader and held a very high position as an advocate.

He was employed in the cases of prominence and was consulted as counsel by the lawyers of that section of the State. He also rose in the public estimation as a political leader and was the candidate of the Republican party for Judge of the Court of Appeals in 1866, but was defeated in that contest by Judge Robert Earl.

His name and fame increased. In the fall of 1878 he was elected Associate Judge of the Court of Appeals and entered upon its duties January 1, 1879, and served until December 31, 1889, when he resumed practice at Rochester, New York, where he resided until his death.

Both Union and Hamilton colleges conferred the degree of LL. D. upon him.

Judge Danforth was a profound lawyer, a most eloquent speaker and was a most persuasive and successful advocate before a jury. Of a charming personality he won the affection and regard of his brethren of the Bar and was held in the highest respect in the community in which his life was spent.

His son, Geo. R. Danforth, is a prominent member of the bar of Monroe county and practices at Rochester, N. Y.

HON. FRANCIS M. FINCH, LL. D.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1880 —

Judge Francis M. Finch was born in Ithica, New York, June 9, 1829. His father's family was from Connecticut. He prepared for college at the Ithica Academy and graduated at Yale at the age of twenty-two, in 1849.

He commenced reading law in Ithica and was admitted to the bar in 1850, and opened an office at Ithica. He later formed a partnership with Judge Henry S. Walbridge and in 1856 with Douglass Boardman, from 1856 to 1866, when he resumed practice alone.

In General Grant's first term he held the office as Collector of Internal Revenue.

In May, 1880, he was designated by Governor Cornell, Associate Judge to fill the vacancy created by the promotion of Judge Charles J. Folger to the position of Chief Judge; and in the fall of 1881 he was elected Associate Judge of the Court of Appeals for a full term.

He served in that position until when he retired to Ithica and resumed his profession.

He was made Dean of the Department of Law in Cornell University, and has passed the closing years of his life at Ithica, N. Y., where he still resides. He had the degree of LL. D. conferred on him by Hamilton College.

HON. BENJAMIN F. TRACY.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1881-1882.

Hon. Benjamin F. Tracy was born at Owego, Tioga Co., N. Y., April 26, 1830. Educated at Owego Academy; studied law; did not receive a collegiate education; was admitted to the bar May, 1851. In 1853 he was elected District Attorney of Tioga County in 1852 and served from January 1, 1853, to

December, 1859. He was one of the founders of the Republican party in 1854-5-6, and took an active interest in political affairs. In 1859 he was elected to the lower house of the State Legislature from Tioga County, and served in 1861 and 1862. At the outbreak of the Rebellion he took a very active part, and in July and August, 1862, he raised the 109th and 137th New York Volunteer regiments and was elected Colonel of the 109th regiment and went to the front. He was decorated for gallantry in action with gold medal and promoted in 1865 as Brig. Gen. by Brevet. In 1866 he was appointed United States District Attorney for the Eastern District of New York. He resumed practice of the law after the war in Brooklyn. December 8, 1881, he was appointed by Governor Cornell Associate Judge of Court of Appeals in place of Judge Andrews of that court, and served in 1881 and 1882, and at the close of his term entered upon a large practice at the bar of New York and Brooklyn.

In 1889 he was appointed Secretary of the Navy by President Harrison and served with great distinction until 1893, laying the foundations for a great navy, the necessity for which he recognized and urged on the country. At the end of that administration he returned to the practice of the law in 1893, and held a commanding position both as bar leader and in public affairs. He was chairman of the Commission appointed to frame a charter for Greater New York.

He was the Republican candidate for Mayor of Greater New York, but was defeated by the defection in his party. He has since held a very high position at the bar of the Metropolis as a leader, and on the death of Frederick Coudert of Coudert Brothers, he became the counsel of that firm, and is still in an active and lucrative practice.

HON. JOHN CLINTON GRAY.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

1888-1894. Still Serving.

Judge Gray was born in the city of New York December 4th, 1843. He was the son of John A. C. Gray, a New York merchant of great ability. He was educated at the University of Berlin, Prussia. He also graduated at the University of the City of New York in 1864.

In 1888 he graduated at the Harvard law school. He commenced practice in the city of New York and founded the law firm of Gray & Davenport, which held a good position at the bar of the city and soon obtained prominence.

In 1888 he was elected as the candidate of the Democratic party Associate Judge of the Court of Appeals and served with great satisfaction. He was re-elected in 1902 for a full term as the candidate of that party although contested by the Republican party, then dominant in that State, by Associate Judge Werner of the same court. Judge Gray's long experience upon the bench and the very strong support of the bar of the city and State largely increased his vote. His term expires December 31, 1916. Judge Gray has a fine social position and is much respected. His re-election will, if he lives, give the bench of that court the benefit of the very best years and talent of this eminent jurist.

HON. DENIS O'BRIEN.

ASSOCIATE JUDGE COURT OF APPEALS.

1899—STILL SERVING.

Denis O'Brien was born in Ogdensburg, March 13, 1837. The events of his life have become a subject of public history. Though the positions he has held, and now holds, entitle him to a prominent place in the official records of the state, yet in the history of his adopted country, where the germ of his future success was developed, it is proper that

a brief sketch of his life character and ability should be recorded. He was favored by nature with a strong physical constitution and equable temperament, which properly directed impart great intellectual strength. Thus endowed he early entered upon the realities of life with a determination to succeed. He studied law in the office of Messrs. Meyers & Magone, of Ogdensburg; was admitted to the bar in May, 1861; and in November of that year removed to Watertown to reside permanently. From that time his business and reputation in his profession gradually increased. From 1869, he was an alderman in the city for some four years, and afterwards was elected mayor. His judicious management of these offices won the respect and confidence of the substantial portion of the city's population. His success in his profession gave him a high local reputation through the county. In 1880, he succeeded the late James F. Starbuck as a member of the State Democratic Committee. This gave him an opportunity of extending his reputation for ability and fidelity beyond the bounds of his county and generally over the state; and he improved it. For four years he held this position. In November, 1883, he was elected attorney-general and re-elected in November, 1885, his term of office terminating January 1, 1888. His administration as state's attorney for this great commonwealth established confidence in his thorough capability and integrity with all parties throughout the state.

In 1889, he remained at home, during which time it became evident that public opinion was tending towards his nomination by the Democratic party for judge of the Court of Appeals. This seems to have been conceded on account of his exalted though comparatively brief public service. When the state convention met he was nominated with remarkable unanimity. The nomination was ratified by the people at the election by a large majority; and he entered upon the discharge of the duties of his dignified and responsible position. He discharged his high judicial duties

with such acceptance to the people of the state that he was re-nominated by acclamation by both parties, although the state was concedely republican in the fall of 1903, and was re-elected for a full term on which he entered January, 1904.

He has a high judicial career before him.

HON. ISAAC H. MAYWARD.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

January 10, 1892-1893.

Judge Isaac H. Mayward was a native of Delaware County, New York, and for the early part of his professional life lived and practiced his profession at that place. He early developed a predilection for political life, and he represented Delaware County in the Assembly in 1876 and in 1877. In the fall of 1877 he was elected County Judge of Delaware County and served one term. In 1883 he was the Democratic candidate for Secretary of State, but was defeated by Joseph B. Carr, of Troy. In 1890 he was appointed the First Assistant Deputy Attorney General and served in that position in 1890 and 1891. In January 19th, 1902 he was appointed by Governor Hill Associate Judge of the Court of Appeals, in place of Robert Earl, who was appointed Chief Judge, and in 1893, he was re-appointed Associate Judge by Governor Hill, in place of Hon. Charles Andrews appointed Chief Judge. In 1893 Judge Mayward was the candidate of his party for the position of Associate Judge of the Court of Appeals, but was defeated by Judge Edward T. Bartlett. He died at Stamford a few years later.

HON. EDWARD T. BARTLETT.

ASSOCIATE JUDGE COURT OF APPEALS.

1894—Still Serving.

Judge Edward T. Bartlett, was born at Skaneateles, Onondaga County, New York, in 1841. The Bartlett family is Norman-French (Bartelot) and Mr. Bartlett's ancestor emi-

grated from England with some of the early colonists and settled in Massachusetts. A branch of the family located in New Hampshire. Mr. Bartlett is a great-grandson of Josiah Bartlett, one of the signer's of the Declaration of Independence, and of the Articles of Confederation, and was the first Governor of the State of New Hampshire and subsequently its Chief Justice. The late Sidney Bartlett, a distinguished Boston lawyer was of this family.

On his mother's side Mr. Bartlett is a descendant of Stephen Hopkins, of Rhode Island, one of the signers of the Declaration of Independence.

Mr. Bartlett's father removed from Haverhill, New Hampshire, to Skaneateles, in 1831. He was very prominent as a physician and surgeon in Central New York, and practiced his profession there for over fifty years, dying June 22, 1892. Judge Bartlett studied law in his native town and was admitted to the bar in October, 1862. He remained in Onondago County until 1868, when he removed to the city of New York, where he was actively engaged in the practice of his profession until he took his seat in the Court of Appeals, January 1st, 1894. He was a member of the law firm of Bell, Bartlett & Wilson for some years and later of the firm of Bartlett, Wilson & Hayden, of New York City. He was President of the Republican Club in the city of New York, in 1888, and is a prominent member of the Union League Club. He became a member of the Bar Association in April, 1870, served for six years on its Committee of Admissions, and was for one year its chairman. In 1891, he received the Republican nomination for Justice of the Supreme Court of the County of New York and was defeated with his party.

Judge Bartlett is dignified in his bearing and of an agreeable mien and manner. His professional experience at the Bar was large and satisfactory, bringing him in contact with important members of the profession in difficult causes, and before the courts. He has been associated as counsel with

such men as ex-Judge Porter, Luther R. Marsh, ex-Chancellor Williamson, ex-Chancellor Runyon, and A. Q. Keasby, of New Jersey; Austin Abbott, Albert Stickney, Daniel G. Rollins, Hamilton Odell and others. He has had as antagonists such men as George Ticknor Curtis, Joseph H. Choate, William B. Hornblower, Wheeler H. Peckham, Lyman Tremain, Robert Sewell, Judge Edward Paterson and others. He possesses in a remarkable degree those qualities in the trial of a case, which are ascribed to one of his kinsmen of great professional and public fame, of whom it is said in the life of Jeremiah Mason to whom he was often opposed, "Mr. Ichabod Bartlett was a man of remarkable adroitness in the management of a case—as quick as a flash of lightning in the movements of his mind whether to inflict or parry a blow."

Judge Bartlett has won the confidence of the Bench of which he is a member and of the Bar of the State by his sterling qualities as a Judge. The cast and trend of his mind is essentially judicial. He is a good lawyer, a careful and conscientious student, painstaking and thorough both on the investigation and on the decision of a case.

His opinions show research, scholarly attainments, and distinguished ability.

He was successful as a trial lawyer and advocate before juries, is an accomplished and graceful after dinner speaker, and deservedly popular as a Judge with the Bar of the State, and especially of the New York City Bar, of which he has been so long a member.

He has a career of great usefulness before him.

HON. ALBERT HAIGHT.

ASSOCIATE JUDGE COURT OF APPEALS.

1904—STILL SERVING.

Judge Albert Haight of the city of Buffalo, N. Y., was born at Ellicottville, Cattaraugus Co., N. Y., February 20th,

1842; he was admitted to the bar in 1863; was married to Angeline Waters of West Falls, Erie Co., N. Y., November 20, 1864; elected Supervisor of the County of Erie for years 1870, 1871, 1872; elected County Judge of Erie County in November, 1872, resigned December 31st, 1876; elected Justice of the Supreme Court, November, 1876; appointed Associate Justice, General Term of the Supreme Court in 1884 by Grover Cleveland; resigned as Associate Justice, General Term, February, 1889; appointed Associate Judge of the Court of Appeals, Second Division, 1889, by Governor Hill; re-elected Justice of the Supreme Court, 1890, re-appointed Associate Judge of the Court of Appeals, Second Division, January 1, 1891, by Governor Hill; re-appointed Associate Justice of the General Term, 1892, by Governor Flower; resigned as Associate Justice General Term and as Justice of the Supreme Court, December 31st, 1894; elected Associate Judge of the Court of Appeals in November, 1894, for fourteen years. This year, 1904, makes thirty-two years continuous service upon the Bench.

HON. CELORA E. MARTIN.

ASSOCIATE JUDGE.

1895—STILL SERVING.

The subject of thi sketch was born August 23, 1834, at Newport, Herkimer County, N. Y. He was the youngest son of Ellis and Lucetta (Brayton) Martin. His father was born at the same place on the 4th of September, 1804, and was a prominent and successful farmer and dealer in live stock. He was the son of Aaron and Mercy (Horton) Martin. Aaron Martin was born October 7, 1762, in the State of Rhode Island, and in 1800 he and his wife removed to Newport, N. Y., where they resided until their deaths, his having occurred in 1810 and hers forty-five years later. His mother was the only daughter of Captain Stephen and Abigail Eddy Brayton, who were also born in Rhode Island,

and became residents of Newport, N. Y., in 1800. His ancestry on his mother's side constituted a family of wealth, standing and importance in that locality. The father of his paternal grand-father was Daniel Martin, who was born September 23, 1737, and was the son of Elder Daniel Martin, who was a Baptist clergyman, born September 23, 1702. The latter was the son of John Martin, who, with his father, Richard Martin, emigrated from England to New England in 1665 in company with Reverend John Miles and his Baptist associates.

Judge Martin's education was obtained in the district and select schools in Newport and the academies at Fairfield and Holland Patent, N. Y. His early days were spent upon the farm, attending school, and teaching in district schools and academies. In 1854, having chosen the law as his profession, he commenced its study at Newport, N. Y., in the office of John C. Harris, a prominent lawyer of that place. In July, 1856, he was admitted to practice in all the courts of this State. After spending one year in the office of George H. Brown, United States District Attorney for the state of Rhode Island, at Providence, R. I., he returned to this State and entered upon the practice of his profession at Whitney's Point, Broome County, N. Y. He continued his residence at that place until 1868, when he removed to Binghamton, N. Y., where he has since resided. During the Civil War, he was appointed United States Deputy Provost Marshal for Broome County, and served as such until the close of the war. Upon his removal to Binghamton, he entered into co-partnership with the Honorable O. W. Chapman, which continued until May, 1877, when he was appointed a Justice of the Supreme Court to fill the vacancy occasioned by the resignation of the Honorable Ransom Balcom. In October of that year, he was nominated by both parties and in November was unanimously elected. In 1887, he was designated by the Governor to serve as one of the Justices of the General Term for the period of five years. In September, 1891, his first

term of fourteen years, being about to expire, he was again nominated by both parties and in November unanimously elected. Thereupon he was again designated as a member of the General Term and served as such until December 31, 1895, when he resigned to accept the office of Associate Judge of the Court of Appeals, to which he had been elected in the previous November and of which he is still a member.

Thus it is seen that the profession with which his life has been almost exclusively identified, is that of the law with which he has already been in some way connected for more than forty-nine years, and should he live to the end of his present term, he will be fully a half century as student, lawyer and judge.

HON. IRVING GOODWIN VANN, LL. D.

ASSOCIATE JUDGE COURT OF APPEALS.

1895—STILL SERVING

Irving Goodwin Vann was born January 3, 1842, on a farm in the town of Ulysses, Tompkins County, N. Y. He was educated by his mother at home until it was time to prepare for college, when he studied in the Trumansburg and Ithaca Academies, entered Yale College in the fall of 1859, and graduated in 1863. After teaching for a year near Owensboro, Kentucky, he studied law with Boardman & Finch, of Ithaca, N. Y., graduated at the Albany Law School in 1865, and in the fall of that year removed to Syracuse, where he has resided ever since.

In 1879, he was elected mayor of the city of Syracuse, and in 1881, Justice of the Supreme Court for a term of fourteen years. While he was Justice of the Supreme Court, upon the designation of the Governor he sat for four years as a member of the Second Division of the Court of Appeals. He was re-elected in 1895 without opposition, but in 1896 resigned to accept an appointment to the Court of Appeals to fill the vacancy caused by the resignation of Rufus W.

Peckham, appointed to the Supreme Court of the United States. In the fall of 1896, he was elected Judge of the Court of Appeals for the term of fourteen years, by the largest majority ever given in a contested election to a candidate of any party for any office in the state of New York.

He is a lecturer in the Syracuse and Albany Law Schools, and has lectured at Cornell University. Hamilton College, Syracuse University and Yale University have each conferred upon him the degree of Doctor of Laws.

He still resides in Syracuse, although compelled to spend much of his time in Albany in attendance at the sittings of the Court of Appeals.

HON. JUDSON STUART LANDON, A. M., LL. D.

ASSOCIATE JUDGE COURT OF APPEALS.

1874-1902.

Judge Landon was born at Salisbury, Conn., December 16, 1832.

He studied law and was admitted to the bar and practiced law at Schenectady, N. Y.

He was elected Justice of the Supreme Court in the fall of 1873 and served on that bench from January 1, 1874, for full term to December 31, 1887. Was re-elected in the fall of 1887 and served to the end of his term, December 31, 1901. He was an Associate Judge of the Second Division of the Court of Appeals, on the appointment of Governor David B. Hill, from December 7, 1900, to December 31, 1901, when that court went out of existence. From 1884 he served as one of the Associate Justices of the General Term in the Third Department to December 7, 1901, when he was made an Associate Judge of the Court of Appeals by the appointment of Governor Hill. He was one of the three Justices of the Supreme Court designated by Governor Roosevelt to serve as an Associate Judge of the Court of Appeals, under a

Constitutional amendment passed to increase that bench. After the expiration of the Second Division of the Court of Appeals, and under this appointment he served as Associate Judge of the Court of Appeals until the expiration of his official term, December 31, 1901, to which he had been elected and not by the age limitation.

He was not a graduate of Union College, but received the degree of A. M. from Union College in the year 1855; LL. D. from Rutgers' College in 1885.

I take the following from a local history:—

"In 1852, he was a teacher of Latin, mathematics and natural sciences in the academy at Princetown, Schenectady County N. Y. He, at the same time, pursued the study of law without an instructor. In 1854, he left the academy and studied law at Yale College for one year. In 1855, he returned to the academy as its principal. He received the degree of Master of Arts from Union College the same year. In 1856, he was admitted to the bar, and was elected district attorney of Schenectady Co., in the fall of that year. Since then he has resided in Schenectady."

He married Emily A. Pierce in 1856. She came from Woodbury, Litchfield County, Conn.; he from Salisbury, same county.

He is the author of "Constitutional History and Government of the United States," published in 1889 by Houghton, Mifflin & Co., a revised edition of which was published in 1900.

Judge Landon is the most scholarly man that has sat upon the bench of the Court of Appeals in recent years. He is in the full strength of his literary power and ability. He has resumed the practice of the law and is counsel in the law office of his son, a prominent member of the bar of Schenectady.

Judge Landon served as an Associate Justice of the General Term in the Third Department, from 1885 until he was appointed Associate Judge of the Court of Appeals to fill the vacancy, vice Judge Joseph Potter, whose term expired by age limitation in the Second Division, New York Court of Appeals and served on that bench until the dissolution of that Court.

HON. EDGAR M. CULLEN.

DESIGNATED ASSOCIATE JUDGE 1900 STILL SERVING.

Edgar M. Cullen, born in Brooklyn, December 4th, 1843; was graduated at Columbia College in 1860; was appointed Second Lieutenant First United States Infantry, March, 1862, and Colonel of the 96th New York Volunteers, December, 1862; resigned from the army April, 1865. Was admitted to the bar of the State of New York, May, 1867; Assistant District Attorney of the County of Kings, 1872; elected Justice of the Supreme Court, Second Judicial District, November, 1880, and re-elected November, 1894. Designated as Associate Judge of the Court of Appeals, under the provision of the Constitution, January 1, 1900.

Judge Cullen is now serving in his fifth years' service on the Bench as an Associate Judge of the Court of Appeals, He was elected a Judge of the Supreme Court in the Fall of 1880, and served a full term on the Supreme Bench of the Second Judicial District; was re-elected in 1894, and is now in the twenty-fourth year of his continuous service on the Judicial Bench.

HON. WILLIAM E. WERNER.

ASSOCIATE JUDGE COURT OF APPEALS.

1900—STILL SERVING.

Wm. E. Werner, Associate Judge of the Court of Appeals, was born in Buffalo, N. Y., on the 19th day of April, 1855, and received his early education in the public schools of his native city. In 1877, he came to Rochester and read law in the office of W. H. Bowman and D. C. Feely, and while pursuing his studies was appointed clerk of the Municipal Court, in which capacity he served until shortly before his admission to the bar in October, 1880. He then entered

upon the successful practice of his profession until the fall of 1884, when he was elected Special County Judge of Monroe County. After serving three years he was unanimously re-elected to the same office in 1887. In 1889, when the office of County Judge was made vacant by the death of Judge Morgan, he was unanimously elected to that position, which he held until December 31st, 1894. In November, 1894, he was elected without opposition to the office of Justice of the Supreme Court of the State of New York for the Seventh Judicial District. On January 1st, 1900, President Roosevelt, then Governor of the State of New York, appointed him one of the Judges of the Court of Appeals in which capacity he is now serving.

THE COMMISSION OF APPEALS.

Under Constitution of 1869.

The Constitution of 1867-8, the judiciary article of which was approved by the people at the election of 1869, provided for a Commission of Appeals, composed of the four Judges of the Court of Appeals in office, by election or appointment, when the article went into effect, and a fifth commissioner to be appointed by the Governor.

The Commission of Appeals was charged with the determination of all causes pending in the old Court of Appeals on the first day of January, 1869.

The Commission selected its own Chief Judge.

The Court of Appeals chosen under this Constitution, took its seat, as did also the Commission of Appeals, under Article 6, Section 24, on the first Monday of July, 1870.

The term of office of a Commissioner was limited to three years, but was subsequently extended by Chapter 3, of the Laws of 1873, for two years more, pursuant to an amendment of the Constitution authorizing it adopted November 5, 1872.—(Vide Article 6, Sec. 28.)

The term of the Commission expired July, 1875.

John A. Lott, who was chosen the first Chief Judge of the Commission of Appeals, as was Ward Hunt, were designated by the Governor as members of this Commission on July 5, 1870.

The four Judges of the Court of Appeals who were designated as Commissioners of Appeals on July 5, 1870, were Robert Earl, John A. Lott, Ward Hunt and Wm. H. Leonard, who was appointed by the Governor in place of Martin

Grover, who was elected Associate Justice of the Court of Appeals, and Hiram Gray was appointed by the Governor under the clause in the Constitution, relating to ex-Justices of the Supreme Court, who were eligible to be called into the work under that Constitution, for service on this Commission.

HON. JOHN E. LOTT,

CHIEF JUDGE COMMISSION OF APPEALS.

ASSOCIATE JUDGE 1869-1870.

Hon. John E. Lott was born on Long Island about 1805; graduated from Union College in 1823; studied law and was admitted to the Bar and began practicing in Brooklyn. He early took an active interest in political affairs. He was appointed County Judge of Kings County April 18, 1838, and served until 1842. In 1841 he was elected to the lower house of the Legislature, and served in the State Senate from 1842 to 1846. He was elected Judge of the Supreme Court in the fall of 1857, and in the fall of 1861 he was re-elected to the same position. On November 2, 1869, he was appointed an Associate Judge of the Court of Appeals to fill a short term. On July 5, 1870, he was made Commissioner by virtue of his having served as Judge of the Court of Appeals, and served as Chief Judge of that Commission. He retired from that Commission in 1875, and was appointed one of the Commissioners to form a uniform Government of all the cities of the State of New York. After his judicial retirement he engaged in business enterprises, in which he was very successful, and at the time of his death, on July 20, 1878, was president of the Flatbush and Coney Island Railroad.

HON. WM. H. LEONARD.

COMMISSIONER OF APPEALS.

1870-1873.

Judge Wm. H. Leonard was born in 1812 in Western New York.

He was educated at the common schools, studied law at Hudson, Columbia Co., with Judge Theo. Miller; was admitted to the bar and commenced practice in New York City about 1834, and entered into partnership with Gilbert M. Spier. He was a partner of Luther R. Marsh and about 1880 entered into partnership with John T. Hoffman.

Judge H. C. Van Voorst was a student at law in the office of this firm and was at one time their managing clerk. In the fall of 1858 Judge Leonard was elected to the bench of the Supreme Court of the First Judicial District of New York City and served a full term of eight years, revolving into the Court of Appeals the last year of his term.

On July 1, 1870, he was appointed by Governor Hoffman a member of the Commission of Appeals in place of Hon. Martin Grover, and served on that Commission until May, 1872, when he resigned from the Commission of Appeals to accept the position of Justice of the Supreme Court of New York City in place of Albert Cardozo, resigned, and he served to fill that vacancy on that bench to January 1, 1873. He then resumed his practice at the bar, forming a partnership with Adrian H. Joline which continued to January 1, 1876.

He then practised alone acting in important cases as referee and as counsel.

A few years before his death he retired to his country seat at Mt. Kisco, where he spent the remainder of his life and where he died.

He was a man of unquestioned integrity, of good judicial attainments, and a sound lawyer. He left a son, Col. Robert W. Leonard, and a daughter, Cornelia, who married Walter Edwards, Esq., of the New York Bar.

HON. HIRAM GRAY.

ASSOCIATE JUDGE COMMISSION OF APPEALS.

1870-1875.

Judge Hiram Gray was born in Salem, Washington County, New York, in 1801. He was of Scotch-Irish lineage. He graduated at Union College in 1821; studied law in the office of Chief Justice Savage at Salem, New York, and was admitted to practice at the Bar in 1823.

He commenced the practice of the law at Elmira, New York, in 1825. As partner of Theodore North he formed the firm of North and Gray, when Elmira was known as the village of Newtown.

In 1836 he was elected to Congress and served in the 25th Congress, from the 26th District, from 1837 to 1839.

On January 12, 1846, he was appointed one of the Circuit Judges for the Sixth Circuit, and took his seat on that Bench.

He was elected in the Fall of 1846, under the new Constitution, with Wm. H. Shankland, who drew for two years, Hiram Gray for four years, Charles Mason for six years, and Eben B. Morehouse for eight years, and served his full term, and was re-elected to the Supreme Bench November 4, 1851, for a full term, which term he served—the last year of which he served in the Court of Appeals by rotation, viz., on his first term in 1851, and on his second term in 1859.

On July 5, 1870, Judge Gray was appointed the additional member of the Commission of Appeals, under the judiciary article of the Constitution of 1869, and was a member of that Commission from its organization, July 5, 1870, to its termination in 1875, although beyond the age limit, which did not apply to those ex-Judges.

Judge Gray was tall, of a fine appearance, and commanding appearance, and had a very distinguished manner.

He resembled General Jackson in personal appearance. The writer recalls him with many pleasant memories of his early practice. He tried his first case before Judge Gray.

He was, by some, regarded as austere and severe with young practitioners. He was of great ability, of undoubted integrity, and his long and successful career on the Bench was crowned by a peaceful and delightful old age at Elmira, New York, where he died May 6, 1890, at the advanced age of 89 years.

HON. THEO. WM. DWIGHT.

COMMISSION OF APPEALS.

1873-1875.

Prof. Theo. Wm. Dwight was born in Catskill, New York, July 18, 1822. He was a son of Dr. Benj. Woolsey Dwight, and a grandson of Timothy Dwight, President of Yale, 1795 to 1818. He was a cousin of President Theo. Woolsey, of Yale, and also a cousin of the Timothy Dwight who succeeded Noah Porter at Yale in 1886. He graduated at Hamilton College in 1840 and then studied at the Yale Law School and went back to Hamilton as a tutor, and in 1846 was made a professor. He founded and presided over the Law School at Hamilton. In 1858 he was made Professor of Municipal Law at Columbia where he organized the Law School of that university and presided over it until 1873. He continued in charge of that institution until 1891 when he retired and was made Professor Emeritus, after thirty-three years of service.

He was a vice-president of the State Board of Charities; president of the Prison Association; a member of the Constitutional Convention of 1867, where he served on the judiciary committee; a member of the famous New York Committee of Seventy, and at one time chairman of the Committee on Legislation.

He was a learned man in the science and the philosophy of law; a most successful teacher and held briefs as counsel in several important cases.

His services on the bench of the Commission of Appeals which lasted from December 29, 1873, to the end of the Commission in 1875, was valuable, but it added little to his

name and fame as a teacher and expounder of the law to the Law School of Columbia, with which his memory will be ever associated by the thousands of students who, in a quarter of a century, were led and guided by his wonderful genius in this regard, and who will hold him and his memory in lasting remembrance. He died at Clinton, New York, June 30, 1892.

HON. JOHN H. REYNOLDS.

COMMISSION OF APPEALS.

1873-1875.

Judge John H. Reynolds was born in Saratoga Co., New York, in 1819. He received an academic education and was admitted to the Bar in 1843. He was made Postmaster at Albany.

He was elected to Congress from the 14th District and served in the 36th Congress, 1859-1861.

On January 10, 1873, he was appointed by the Governor Commissioner of Appeals in place of Judge Wm. H. Leonard, resigned, and served on that Commission until it was dissolved. His associates were Judges Lott, Gray, Earl and Dwight.

His decisions in that court attracted the attention of the Bar of the whole State, and indeed the country. He was a man of great ability. He occupied a high position, but died September 24, 1875, unexpectedly, and terminated a brilliant career at the early age of fifty-six years.

For biographies of Judges Robert Earl, Ward Hunt, Martin Grover and Alex. S. Johnson, who served on this Commission, see sketches of the Chief Judges of the old Court of Appeals. Its decisions were reported in the Court of Appeals Reports. It accomplished a great work in relieving the Court of Appeals of the pressure upon it, which it was not able to perform.

COURT OF APPEALS.

SECOND DIVISION.

UNDER CONSTITUTIONAL AMENDMENT OF 1888.

(1) Whenever, and as often as there shall be such an accumulation of causes on the calendar of the Court of Appeals, that the public interests require a more speedy disposition thereof the said Court may certify such fact to the Governor, who shall thereupon designate seven of the Justices of the Supreme Court to act as Associate Judges for the time being of the Court of Appeals, and to form a second division of the Court and who shall act as such until all the causes upon the said calendar at the time of the making of such certificate are determined, or the Judges of said Court elected as such, shall certify to the Governor that said causes are substantially disposed of, and on receiving such certificate, the Governor may declare said second division dissolved, and the designation of Justices to serve thereon shall thereupon expire. The second division of said Court, hereby authorized to be constituted, shall be competent to determine any causes on said calendar which may be assigned to such division by the Court composed of Judges elected to serve in the Court of Appeals, and that Court may at any time before judgment direct any of the causes so assigned to be restored to its calendar for hearing and decision. The rules of practice in both divisions shall be the same. Five members of the Court shall be sufficient to form a quorum for said second division, and the concurrence of four shall be necessary to a decision. The Judges composing said second division shall appoint from their number a Chief Judge of such division, and the Governor may from time to time, when in his judgment the public interests may require, change the designation of any Justice of the Supreme Court to fill such vacancy. Said second division may appoint and remove a crier and such attendants as may be necessary. The Judges composing said second division shall not during the time of their service therein, exercise any of the functions of Justices of the Supreme Court, nor receive any salary or compensation as such Justices, but in lieu thereof, shall during such term of service receive the same compensation as the Associate Judges of the Court of Appeals. They shall have power to appoint the times and places of their sessions, within this State and the Clerk and Reporter of the Court of Appeals shall be Clerk and Reporter of said second division.

David L. Follett, Chief Judge appointed January 21, 1889; served to October 1, 1892.

ASSOCIATE JUDGES.

Charles F. Brown, appointed January 21, 1889; served to October 1, 1892.

Alton B. Parker, appointed January 21, 1889; served to October 1, 1892.

Joseph Potter, appointed January 21, 1889; served to December 31, 1891.

Irving G. Vann, appointed January 21, 1889; served to October 1, 1892.

George B. Bradley, appointed January 21, 1889; served to October 1, 1892.

Albert Haight, appointed January 21, 1889; served to October 1, 1892.

Judson Landon appointed January 1, 1902, and served the last year of the existence of the Court.

This Court held its first session in 1889, and dispatched a large amount of work. The same judges originally designated January 21, 1889. All served continually on this bench until its dissolution, October 1, 1892, with the single exception of Judge Joseph Potter, whose term expired by limitation at the end of 1901, and Judge Judson S. Landon was appointed by the Governor to fill the vacancy, and Judge Landon served during the year 1892, until the dissolution of the Court. It was as a bench held in the very highest estimation by the Bar of the State, and its reported decisions show the superior excellence of the judges who composed it.

SUPREME COURT JUDGES.

Supreme Court Judges appointed to serve as Associate Judges of Court of appeals pursuant to Section 7 of Article 6 of the Constitution:

Judson S. Landon, appointed January 1, 1900, to December 31, 1901.

Edgar N. Cullen, appointed January 1, 1900.

William E. Werner, appointed January 1, 1900.

NOTE—The biographies of Judges Parker, Vann, Haight and Landon, who sat in this Court, appear in another part of this volume.

HON. DAVID LYMAN FOLLETT.

CHIEF JUDGE NEW YORK COURT OF APPEALS.

Second Division—1789-1892.

Hon. David L. Follett was born in Sherborne, N. Y., July 17th, 1836. His parents were of English descent, the family having emigrated at an early day from the County of Devon, England. Levi Follett was his grandfather, who resided at Manchester, New Hampshire, and who removed to Hamilton, N. Y., when his father, Uzziel Follett, was born in 1801.

In 1805, the family moved to Sherbourne, N. Y., the birth place of Judge Follett.

He was educated at the Cazenonica Seminary. He was a law student in the office of Eben Rexford from 1856 to 1858.

He was admitted to the Bar January 5th, 1858, and to the Bar of the Supreme Court of the United States January 19th, 1862. From 1867 to 1873, he served as Assessor of Internal Revenue for the 19th District of New York.

He was elected Justice of the Supreme Court as the candidate of the Republican party in the fall of 1874, no candidate running against him for a full term, and commenced his service January 1, 1875, his term expiring December 31, 1888, for the Sixth Judicial District, then residing at Norwich, N. Y.

In 1889, on the organization of the Second Division of the New York Court of Appeals Judge Follett was designated by the Governor of the State as Chief Judge of that Court, and he served as Chief Judge of that Court until it was formally dissolved October, 1892. He served with great ability and won a great reputation as a judge for himself, and for the bench of that Court with both the Bar and the people.

He was re-elected at the close of his first term and made Chief Judge of the Court of Appeals, Second Division.

He was designated by the Governor as Associate Justice of the General Term in the Fourth Department, and served

on that bench in 1885 and 1886, and was designated in 1893 to serve in the General Term of the Eighth District, and served on that bench in the years 1893 and 1894.

He resumed the practice of the law after completing his service at Sherbourne, New York, where he lived until his death.

HON. JOSEPH POTTER.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

Second Division—1871-1892.

Judge Potter was born in Easton, Washington County, N. Y., November 17, 1825. He was the youngest son of Joel Potter and Anne Austin. Joel Potter was the descendant of John Potter and Pheobe Green, Quaker teachers in Rhode Island. His mother, Anne Austin, was a descendant of the Starbucks of Nantucket, Mass., also Quakers. His early education was the common schools, the Quaker boarding school at Chatham, N. Y., Union Village Academy at Greenwich, N. Y. He graduated at Union College, Schenectady and entered the law office of Judge Culver and A. L. Barber, at Greenwich, Washington County, remaining two years. He then entered the office of Wheaton Hammond Doolittle & Hadley, at Albany, was admitted to the bar in 1847, and was made a solicitor in chancery.

He taught at the Union Village Academy for six months while pursuing his legal studies.

He commenced practice in White Hall, N. Y., in partnership with Hon. William H. Parker, and he resided there for the remainder of his life.

Judge Parker died about 1849, and Mr. Potter was associated professionally at different times with J. D. Blount, Hon. O. H. Tanner and his son, J. Sanford Potter. In 1849 he was elected District Attorney of Washington County, was re-elected second term, and also served a portion of the term of

the late Col. M. Dongall in the office by appointment of Governor Morgan.

In 1863 he was elected County Judge of Washington County, and at the close of his term was re-elected a second term January to December 31, 1871.

In the fall of 1870 he was elected Justice of the Supreme Court to succeed Hon. Enoch H. Rosekrans, whose term expired at the close of 1870 and commenced service on the bench in January, 1871.

He was re-elected at the close of his term in 1884.

In 1889 he was appointed Associate Judge of the Court of Appeals and served on that bench until his term expired by age limitation, December, 1891, when Judson S. Landon was made an Associate Judge of that Court in his place, who served until the dissolution of that Court, October, 1892.

Judge Potter resumed the practice of his profession after leaving the bench at White Hall, N. Y., where he resided until his death in 1902.

HON. GEORGE B. BRADLEY, LL. D.

ASSOCIATE JUDGE OF THE COURT OF APPEALS,
Second Division.—1889 to 1897.

Judge George B. Bradley was born in the town of Greene, Chenango County, N. Y., February 5, 1825. He was not a graduate of any College, was educated in the Public Schools and Academies, studied law and was admitted to the Bar at Oswego, N. Y., in May, 1848, practiced law at Corning, Steuben County, N. Y., and organized the firm of Bradley and Kendall, who became the leading lawyers in that section of the State; devoted attention to public affairs and was elected a member of the Constitutional Conventions of 1872 and 1873. In the Fall of 1873 he was elected Senator from Steuben District and re-elected in 1875, serving two

terms, 1874 to 1877. In 1883 he was elected Justice of the Supreme Court of the Seventh District for the full term of fourteen years. He was designated by the Governor to sit in the General Term of the Fifth Judicial Department created by chapter 329, law of 1883. On the 21st day of January, 1889, he was appointed by the Governor Associate Judge of the Court of Appeals, Second Division and served on that bench from its organization to its dissolution, October 1, 1892, under Section 7 as amended in 1888 and Article VI of the Constitution; retiring from the bench in 1895 by age limitation. He was designated by the Governor to sit in the Appellate Division of the Second Department under Article VI, Section 12, of the Constitution and served on that bench from October 1, 1896, to the end of 1897. He is an honorary member of the Medico-Legal Society, and has taken great interest in Medico-Legal studies. The degree of LL. D. was conferred upon him by the University of Rochester, N. Y. He deservedly held a high position at the Bar of Steuben County, and was regarded as one of the ablest judges of the bench of the Court of Appeals of the Second Division. He is still living, universally respected, at Corning, Steuben County, N. Y.

HON. CHARLES F. BROWN.

ASSOCIATE JUDGE NEW YORK COURT OF APPEALS.

Second Division—1882-1896.

Judge Brown was born at Newburgh, N. Y., and was the son of Judge John W. Brown, of the Supreme Court of that district.

He was admitted to the bar and commenced practice at Newburgh, N. Y., where he has since resided. His father was first elected to the Supreme Bench November 6, 1849, and was re-elected November 3, 1857; so that he was in his

early life, in the atmosphere of judicial life, and became a diligent student of the law and his attention early turned to public life.

He was elected to the Supreme Court bench in the fall of 1881, and commenced service January 1, 1882, for a full term.

He was designated by th Governor as presiding Judge of the General Term of the Supreme Court in the Second Department for the years 1893 and 1894, and served as such on that bench.

In 1889, he was appointed by the Governor Associate Judge of the New York Court of Appeals, Second Division, and served on that bench during the whole period of its existence and until its dissolution.

At the close of his judicial service he resumed the practice of the law at Newburgh, N. Y., where he has since resided. He was an excellent judge and his opinions in the Court of Appeals evinced diligent study of the science of the law, and he was one of the most zealous and dilligent members of that Court, which commanded the respect and confidence of the people of the State. He still resides at Newburgh, N. Y.

HON. JUDSON STUART LANDON, A. M., LL. D.

Judge Landon, served as Judge of this Court, having been appointed, vice Judge Potter, whose term expired by age limitation, during the last year of the Court, January 1 to October 1, 1892.

WIFE BEATERS AND THEIR PUNISHMENT.

BY W. H. S. MONCK, ESQ., BARRISTER-AT-LAW.

(Closing the discussion on his previous papers.)

It is not with the view of having the last word in a long-drawn-out controversy that I write, but because I think the question at issue can now be more definitely stated. The remedy urged for wife-beating by my opponents is not merely flogging but public flogging. Now in England (or rather Great Britain and Ireland) public flogging has long since been abolished and public hanging has followed suit. Punishments in fact are never inflicted in public. For this change I believe there were good reasons, and certainly crime has not increased since we adopted the system of carrying out our sentences in private. The scenes at public executions were usually of a demoralizing character and it is generally thought that they tended to promote crime instead of deterring people from committing offences. No doubt some persons are more strongly deterred by seeing a man hanged or flogged than by merely hearing of it, but with others the result is different; and inuring the populace to scenes of violence and brutality—whether in the form of public hangings or floggings or of lynchings or of bull-fights—has no good moral effect on the spectators and often a very bad one.

In your December issue Mr. Wilson McDonald states that he advocates flogging for wife-beaters not by way of retaliation or revenge, but only as the surest and best protection

for wives. And he agrees with me that punishment for the sake of revenge or retribution is always wrong. Mr. McDonald only advocates the whipping-post for wife-beaters. But I do not understand why. If it possesses any remarkable efficacy in protecting the public, why not use it more generally. Indeed, Mr. McDonald himself says (of the whipping post) "the petty thief, the fire-bug, the shop-lifter, the pick-pocket, would regard it with fear and trembling." I hardly think they would do so if they knew that it was not for them. But it really has the same remarkable efficacy in the case of "the petty thief, the fire-bug, the shop-lifter and the pick-pocket," as in the case of the wife-beater, why is its introduction advocated in the case of the wife-beater only? If the public is equally in need of protection against other crimes, and the cat would equally afford this protection why not resort to it? (And in the oft-cited case of Delaware it is not confined to wife-beaters.)

Mr. M'Donald himself seems to entertain some doubt as to whether flogging possesses any special efficacy in the case of wife-beaters, though it is on the ground of efficacy that he advocates it. "We contend," he says, "that the remedy we propose, if properly and frequently repeated and by increasing the number of lashes at every infliction, will be a remedy and the wife-beater will cease his cruelty." But this defence is made for every punishment that in practice proves inefficient. If imprisonment fails we are told to increase the duration and increase the severity of the rules and it will prove a sufficient deterrent; and imprisonment has one advantage over flogging. The public is protected against the prisoner so long as he remains in prison and by increasing the length of his sentence we can increase the time during which the public is protected against him. But it is otherwise with flogging followed by liberation. The man will probably come out in a state of furious indignation against the wife who has brought so severe a punishment (especially if inflicted publicly) on him, and will resolve to be hanged, not flogged next time. Mr. M'Donald admits that many men—especially those of the most brutal type—would be very little influenced by the pain or the disgrace—of a flogging. If so, how can it be contended that this punishment possesses any special efficacy or is specially useful in protecting the public in such cases? The savage to whom he refers who could bear

severe pain without uttering a cry, would, I think, be much more likely to be deterred by imprisonment than by flogging.

The real question at issue between Mr. M'Donald and myself seems to be: Does flogging possess any peculiar or special efficacy in protecting wives against assaults by their husbands? It is, I think, for the maintainers of the affirmative to prove their case, and I fail to see any reasonable grounds for holding that flogging would be more effective in this class of cases than in any others.

As regards Judge Baldwin the question is different. "I believe," he writes, "that President Woolsey was right when he said that the only theory of criminal punishment which rested on solid grounds was that to punish was to give the offender his deserts and that government had a right to use its power to that end." I agree with Mr. M'Donald in rejecting this theory absolutely. It is I think the most fatal heresy that has ever infected the principles of the criminal law; but I doubt if even on this theory the learned Judge could prove that flogging would give wife-beaters (or other offenders, for he does not accept Mr. M'Donald's limitation) their deserts more accurately than any other punishment. I need not follow him into his examination of "the sentimental or humanitarian position." He absolutely excludes from his consideration what I and Mr. M'Donald regard as the only legitimate object of punishment inflicted by the State, viz.: the protection of the public.

Dr. Clark Bell and others advocate flogging on the ground that it is more humane and efficient than the others for which it would be substituted. If this can be proved I have nothing to say against it. I only ask for proof. The opinions of judges do not amount to proof, especially where they had not experience of both systems. With regard to Delaware, however, I would remark that when great numbers of persons join in committing a very brutal murder, and commit it with the general consent of the people—I cannot regard the crime-rate of the State as low. Even if there were but one crime, there were thousands of criminals. And I think burning alive is more likely to be resorted to in a State where the people are in the habit of witnessing floggings and hangings than in one where the infliction of punishment is not made a public spectacle. Judge Grubb, however, has noticed an important distinction between Delaware and such States as

New York. "Surrounded as our small State is by the vicious classes and expert criminals of several large and populous cities within short travelling distance, our whipping-post has certainly (in the opinion of our officials and citizens generally) preserved Delaware and her citizens from their mischievous and perilous incursions." Such reasoning is not applicable generally. The main question appears to me to be: Does flogging really possess the special efficacy in protecting the public against crime that is claimed for it? And if so, is this special efficacy limited to any (and what) particular kind of crime?

Dr. Clark Bell is not quite correct as to the English system. Assuming that he uses the word "judge" to include magistrate or justice of the peace, these latter have the power of flogging boys under the age of 14 years for minor offences and the power is often exercised. The instrument used, however, must be the birch rod not the cat. The latter is (at least in practice) used only on adults convicted of robbery with violence. The law on this subject originated when garrotting was prevalent, but though it has been often alleged that it put down garrotting, the general opinion of those who have investigated the question is not favorable to its special efficacy. The sentence is always combined with one of imprisonment or penal servitude, and it is, of course, difficult to ascertain the effects of each element of the compound punishment; while the infliction is optional with the judge, and many judges do not resort to flogging at all. As regards boys the punishment is likewise optional and the magistrate has in almost all cases the power of imposing a fine or discharging the boy with a caution instead of either flogging him or sending him to gaol. In Ireland the birch rod is very seldom resorted to, and the results appear to be as satisfactory as in England where it is in frequent use. Efforts have been made to obtain more extensive powers of flogging, but they have been vigorously resisted and so far they have not succeeded. It is also sometimes used for offences against prison discipline. I refer in the text to sentences authorized by the criminal law and passed in open court. Flogging with the birch still exists in most of the leading public schools in England, and as a rule those who were educated at these schools advocate the punishment for youthful offenders while those who were edu-

cated elsewhere are for the most part of the contrary opinion. There is no general consensus of opinion on the subject in any part of the United Kingdom though the floggers in England are much more numerous (proportionately) than in Ireland.

THE PHILOSOPHY OF HYPNOTISM.

BY J. THORNTON SIBLEY, A. M., M. D.

The word hypnotism is a misnomer, inasmuch as it signifies sleep. The idea that the hypnotic state is one of unconscious somnolence is widespread, but erroneous. A person may be hypnotized and be wide awake. Some of the most remarkable cures I have ever witnessed in the study and practice of psycho-therapeutics, were made when the patient was only in the incipient stage of light hypotaxy; and the only symptom of hypnosis was an inability to open the eyes to the full extent, full consciousness prevailing.

Hypnosis is simply an induced psychical condition in which the subject is more susceptible to the influence of suggestion.

No two investigators along the line of hypnotism have had the same experience, and the conditions have varied so much, that to formulate an intelligent working theory has been well nigh impossible. We are beset at the very outset with this plain undeniable fact; we know absolutely nothing of the real workings of the human mind, and the class of psychological phenomena that we are now considering has been more productive of conflicting theories, than any other one subject. Quite a large volume would be required to catalogue all the various theories that have been advanced from time to time to explain these phenomena, and not till the researches of Liebault threw new light on the subject was there outlined a satisfactory working hypothesis. Some of the old theories worked very well when applied to one class of facts, but failed utterly when applied to others, and consequently the students of hypnotism have been divided into schools, each refusing to accept the facts demonstrated by the other.

Read before the Medico-Legal Society and Psychological Section,
March session, 1904.

Some of these theories were so chimerical that it would profit the investigator but little to give them serious consideration.

The work of Father Gassner, the German priest, was so wonderful and the excitement he created so profound, that we are justified in giving notice to his theory; which while not altogether new, had an aspect of originality about it, and which conformed well to the superstitions and credulous character of the times. Gassner was a faithful student of the New Testament writings, and all allusions to demoniacal possession made a profound impression on him. Along with many others of his day, he was a thaumatolatrism, and the works of the magicians were his especial study. This peculiar training evolved from his mind the conviction that all abnormal physical and mental conditions were due to the presence of evil spirits, whose influence could be overcome only by conjuration and prayer. He was a religious fanatic and believed that great and lasting benefits could be bestowed by the Church only. It is no wonder that he considered the curing of disease the especial province of the church. He was visited by many persons of high social and political distinction. His popularity became widespread and his theory had many advocates. His success in curing disease was equal almost to that of the renowned Mesmer; but like all his predecessors who sought to cure disease without material medicine he lost his influence, and his theory fell to the ground. Gassner was especially successful in curing epilepsy and nervous disorders. Some authorities tell us that his treatment of real sufferers was successful, only when the imagination of the patient was excited by the persuasive methods of the conjuror, and I call your special attention to this point, for on it hinges much of importance in the study of psycho-therapeutics. Gassner's down-fall is generally attributed to his avarice. He amassed a fortune, but died without the respect of the intelligent men in or out of the church. His theory has but few, if any, adherents to-day, unless it be among the fanatical of unbounded credulity.

Let us consider briefly the theory of Anton Mesmer. His was that of fluidic emanations and he termed his system that of "Animal Magnetism." The experiments of Mesmer were the cause of the subsequent careful investigations of the subject

by others; and he is entitled to the credit of bringing the matter of psycho-therapeutics to the attention of the scientific world in such a way that it could not be passed by without some notice. He believed that a magnetic fluid, imponderable and imperceptible, pervades the universe, but is most active in the human nervous organization. This magnetic fluid impinging on the bodies of others brought about a peculiar mental and physical condition, during which the patient was cured of disease.

The Abbot Faria, sometimes called the Brahmin, who came into notice about the time Mesmer died, advanced a theory that differs but little from that of to-day. He repudiated the magnetic fluid theory of Mesmer, and was the first to announce, what is so well known to the modern student of hypnotism, but concerning which the greatest amount of error prevails, that the hypnotic sleep cannot be induced without the consent and usually the aid of the patient. This announcement was made in 1815, and it is surprising that at this time, nearly a century afterwards, there should prevail the widespread belief that the hypnotist possesses a power that many people cannot resist. The terrible stories told of the dangers of hypnotism, have grown directly out of this belief; and the legal aspects of hypnotism have been given too much attention. Crimes that have been attributed to hypnotism cover pretty nearly the whole list, from the mildest misdemeanor to the most shocking felony. I have never known of my own personal knowledge of a case where a hypnotist has been able to take advantage of a subject when in a hypnotic sleep. When I am in New York, I hear of a case in California; when in Texas, of a case in Colorado; when in Arkansas, of a case in Minnesota. It is always at some other point like a Will o' the Wisp in its tendency to flit hither and thither and elude the scrutiny of honest investigation. Svengali is a libel on one of the greatest blessings ever bestowed on mankind. The sensational press too often convert a simple case into one of a startling and mysterious character. That persons may be induced to commit crime while in a hypnotic state, I will not deny; but all such persons, so influenced, could be induced to commit such crime when in a normal condition. He who offers hypnotism as an excuse for crime, confesses to a criminal character. You cannot persuade a

person when hypnotized to perform any act that conflicts seriously with his principles, or which endangers his person.

There are some very susceptible persons who do not know that they can resist the power of the hypnotist. They expect to be influenced, as soon as the effort is made, and yield. All such can resist if they know they can, and will make the proper opposing effort.

When Braid began his experiments and investigations, after witnessing the work of La Fontaine, he accepted Mesmer's magnetic theory; but some discarded it, and strove to explain the phenomena on other grounds. Others beside Braid have tried to explain the phenomena of hypnotism on the basis of physiology or cerebral anatomy. All such efforts have failed completely; because as Faria first pointed out, the phenomena are purely subjective. Braid felt sure that there was some principle of physiology at the bottom of the matter, and the result of his early investigations did seem to give some hope that he was correct. Although mistaken, he succeeded in annihilating the pet theory of the Mesmerists and in mollifying the faculty. His method of inducing the hypnotic state was simple and easily applied; and this fact helped his theory in no small degree; but best of all, Braid gave the phenomena a new name. The word Mesmerism was objectionable for several reasons. Braid was very anxious not to make a mistake in the re-christening and he rejected all the old terms: Mesmerism, animal magnetism, electro-biology, pathetism, etherology, psycho-dunamy and statuvolism. He coined the word *Neuro-hypnotism*, signifying nerve sleep. He soon dropped the prefix, and used the word *hypnotism*; by which name it has since been called. Braid's work stimulated others and soon many diverse theories sprang up; some based on the grounds of physiology, some on the basis of chemistry and others on psychological grounds. One after another these theories were found untenable, and just in proportion as the idea of suggestion was overlooked, just in that proportion did the theory fail to work.

Heidenhain, of Breslau, ascribed the phenomena to inhibition of the ganglion cells of the cerebral cortex.

Cullere, the eminent French investigator, said it was simple functional disturbance of the front half of the cerebral cortex.

Braid and some others held to the theory of altered circulation in the brain. Carpenter and Hack Tuke thought it was

cerebral aenemia; but Foster, of Breslau, demonstrated with the ophthalmoscope that there is no change in the blood vessels of the retina during hypnosis. Brown Sequard, of Paris, maintained that there was increased action in one part of the brain, and consequent decreased action in other parts. The chemical theory of Preyer, of Berlin, had quite a following for a while. He said that fixed attention, used in inducing hypnosis caused rapid accumulation of waste matter in those parts of the brain that are active; and by this a quick local consumption of oxygen of the blood took place; this latter action causing loss of activity of the cerebral cortex. It did not occur to Preyer that waste matter in the brain, or elsewhere, cannot be dissipated in a moment, and as the hypnotic state, no matter how profound can be broken instantly, the chemical theory was abandoned. Zeimson, of Munich, thought hypnosis due to want of stimulation of the cerebral cortex; and Mandel, of Berlin, to an exactly opposite condition.

Many distinct systems of psycho-therapeutics have been reared on the many various theories: Invocations of the Gods by the Egyptians; the king's touch for goitre; the miraculous cures at Lourdes; the systems of Greatrakes, Gassner, Faria and others, as well as the Faith cure, Mind cure and Christian Science. All these methods have been used successfully in relieving pain and curing disease; and the question presents itself to every student of psychology, is there not some general underlying principle that will harmonize all the differences of these various and apparently contradictory theories, give a solid starting point, and show that the cures that have been made have been the result of identical methods. It is hard to see wherein the theory of Christian Science, considered so bizarre by some, as to excite ridicule, could engender methods and results identical with those of Gassner with his theory of demoniacal possession. The theory of suggestion will reconcile even these seemingly contradictory things, and the researches of Liebhault threw a flood of light over the whole field of psychological investigation and resulted in the discovery of the most important law in the whole domain of psychics. That suggestion is the basis of all hypnotic phenomena. It was used by Greatrakes, Maxwell, Gassner, Faria, Mesmer, and those who followed them in the practice of psycho-therapeutics; and wherever the element of sugges-

tion has been successfully eliminated the work has been barren of results. Suggestion does not necessarily mean that which is imparted by the voice. It may be given strongly by a gesture or a look of the eye.

The laws of suggestion can best be understood by the study of man's dual mental organization. Psychologists are agreed that the mind of man is of a double character. Some hold that we have a single mind with a double function; others that we have two distinct minds, possessing independent functions and attributes. To distinguish the two minds, one is called the objective and the other the subjective mind.

The objective mind is our ordinary reasoning faculties; the mind that we need in our material environments; the mind that guides us in our various relations to our fellow men. It is the cause of all voluntary cerebral action and its chief characteristics are its ability to reason by all methods, inductively and deductively, and an incredulity that will accept no statement as a fact, that conflicts with reason or the evidences of the physical senses. The objective mind is a function of the physical brain, and just in proportion as that organ is diseased or injured just in that proportion will the objective mind lose its power.

The subjective mind is a distinct entity, having no relation whatever to the physical brain, which may be severely injured and the subjective mind be alert and exalted.

Its striking characteristics are its unbounded credulity and its complete domination over the functions and sensations of the physical body; and herein lies the wonderful power of suggestion in curing disease. The subjective mind is the cause of all automatic cerebral action and it is incapable of reasoning inductively. It cannot take a number of facts and deduce from them some general law or principle, but given a premise, whether true or false, the subjective mind will follow it out to the minutest detail. In its inability to reason inductively the subjective mind manifests its God-like quality, for inductive reasoning presupposes want of knowledge and Deity signifies omniscience. The subjective mind is the seat of the emotions. We never reason ourselves into being emotional. Emotion is always a subjective product.

The subjective mind is a storehouse of memory and a source of inspiration, and these two attributes, when modified by the harmonizing influence of objective intelligence

produce the condition of true genius. Subjective intelligence is that exhibited by a person in a somnambulistic state. As already stated the subjective mind has control of the functions of the physical body. Circulation, respiration, nutrition, secretion, the active chemistry of the organism, are all carried on involuntarily and without any effort of the objective mind. We know that disease is always an abnormal condition that nature is striving at all time to overcome. We also know that abnormal conditions are dependent many times upon functional derangement, or perverted nervous action, and it is in diseases of this class that hypnotism is especially effective. Many people are sick because they are the victims of auto-suggestion. They have thought themselves sick so often that the repeated suggestion has taken root and they suffer just as much and with the same symptoms as though they were really out of health.

When a person is put into a hypnotic state, the objective mind is partially or completely dethroned; and we can then address the subjective and produce a positive and decided effect through suggestion on all the functions and sensations of the physical body. If we tell a patient that a certain disease from which he has been suffering no longer exists, that he is now well, he believes what we say, and these statements persisted in will cause such belief to exert a direct and sometimes an immediate influence on the physical organism that removes the diseased conditions.

Three schools of hypnotism claim the attention of students to-day: First, The school of Nancy, or the school of Liebhault, which takes the position that the induction of the hypnotic state, as well as the subsequent phenomena are attributable to the power of suggestion, and the whole matter is purely psychic.

Second, The school of Paris, or the school of Charcot, which does not consider suggestion an important factor, or at all necessary in the hypnosigenesis or in the production of the hypnotic phenomena; and seeks to explain everything relating to the subject on the basis of physiology or cerebral anatomy. It is this school that considers the hypnotic state an evidence of disease of the nervous system.

Third, The school of fluidic emanations, or the school of Mesmer, which ignores suggestion altogether and attempts to explain the phenomena on the magnetic fluid theory.

The school of Nancy using phychic methods for inducing the hypnotic condition, is sometimes called the school of suggestive hypnotism. The school of Paris, using physical methods, is sometimes called the school of physical hypnotism, and the school of Mesmer, is sometimes called the school of fluidic hypnotism.

The question is not infrequently asked, "What is the difference between hypnotism and mesmerism?" Those who usually propound this question are those who have given the subject some thought and study, and if you answer that there is no difference, you will probably be confronted with another question, "Why do we not witness the higher phenomena of the old mesmerists in the work of the modern hypnotist."

The striking difference between the works of the old mesmerists and those of the hypnotist is the frequent reference to the phenomena of telepathy and clairvoyance in those of the former, and the rare mention of them in the works of the latter. Some hypnotists deny the existence of these higher phenomena and maintain that they were not produced by the mesmerists. If we are to accept the testimony of the very best authorities telepathy and clairvoyance are established facts, although they are not nearly so common as they were a century ago. The reason is plain to any careful student of psychology. Telepathy is the normal means of communication between subjective minds. In the days of mesmerism, before Braid began his experiments, the manner of inducing the subjective state differed in one striking particular from the methods commonly used to-day; especially by the followers of the physical school of hypnotism. In the methods used by Mesmer and his followers, intense concentration of the mind on the part of the operator was deemed of the greatest importance. This concentration brought about a passive state of the mind of the operator, in fact, he was always partially mesmerized, and when in this condition was en rapport with his subject and telepathic communication was possible, and frequently witnessed. When Braid discovered that he could induce a passive state by having his subject gaze steadily at a bright object, using no mental concentration of his own, his method was adopted almost universally, because it was so easy; and just at this time did the higher phenomena become rare. The school of Nancy occupies a middle ground, and where its methods are followed the higher

phenomena are sometimes witnessed, but not nearly to the same extent to which they were seen in the days of the old mesmerists. If we mean by hypnotism the state induced by Charcot and Braid, with purely physical methods, then there is some justice in the claim that hypnotism and mesmerism are not the same thing. To my mind the difference between hypnosis and mesmeric sleep, is one of degree, rather than one of character.

INAUGURAL ADDRESS

BY

CLARK BELL, ESQ., LL. D., PRESIDENT MEDICO-
LEGAL SOCIETY.

January, 1904.

Fellows of the Medico-Legal Society:—

I accept the honor conferred upon me by re-election with reluctance, because my time is so fully occupied with my professional duties, and the great labor imposed upon me in the organization of an International Congress on Tuberculosis by appointment from the management of the World's Fair to be held in St. Louis next October, and the chairmanship of the Executive Board of Officers of that Board, that I feel that I cannot give to the performance of the duties of this office the service their importance requires. I wish to here state that I desire, in advance of another year, to advise you that you must select some other name from your great number of members so well qualified for the place to succeed me in 1905. I cannot longer do the work. The annual reports of the Sections of the body will accompany my address.

THE PSYCHOLOGICAL SECTION.

This greatest factor in our recent labors has been transferred in respect to its greatest activity, to the work of the American Congress on Tuberculosis, which in June, 1903, re-elected by more than a majority vote on written proxies of all its members, an entirely new board of officers, mainly composed of the members of this Society, which organized and decided to meet in St. Louis at the World's Fair Exposition, in October, 1904. This action has received the highest endorsement from the Government of the United States, ever given in an English speaking country by a government to a society, and in co-operation with the management of the World's Fair Exposition named the president of the Medico-Legal Society chairman of a committee, which was

appointed mainly from the medical members of this Society, and directed and empowered to organize an American International Congress on Tuberculosis. That management placed it on the list of its International Congresses to be held under the auspices of the World's Fair Exposition, and of the American Congress on Tuberculosis to which invitations had been extended through the State Department of the American Government to every foreign government within the Western Hemisphere, not only to send delegates but to give the movement sympathetic publicity. The diplomatic representatives of the United States were directed to communicate not only these sympathetic views of the American Government in the aims and purposes of the Congress, but to request that each country should send delegates, as well as give publicity in their countries to the merits of the Congress itself.

This may be regarded as one of the most remarkable achievements ever yet accomplished to thus secure this recognition, not only, but the governmental paternal recognition and support, countenance and aid in the advancement of the medical profession, especially for the progress and advancement of forensic medicine, that has ever been accomplished in any country speaking our tongue. It marks a new era on this continent reflecting the splendid, broad and paternal interest which the American Government feels and extends under the advice and inspiration of that great American statesman, Hon. John Hay, who has induced it to adopt, a line of policy that will assure the masses of our people, of its earnest sympathy and desire to encourage all forms of philanthropic endeavor, that have for their end, the permanent good and the real protection and welfare of the American people.

The Italian Government in the 16th century gave its sympathy and aid to the medical profession and founded then and later those splendid universities of learning that have reflected the greatest credit upon the name and fame of Italy.

The German nation in the succeeding centuries and since has marched forward with the same grand and stately steps and her universities have been the admiration of students of all lands.

France has also been among the foremost of the governments of the Continent that has lent its helping hand with

such splendid strength and success to medical recognition and protection. Her universities, her schools of medicine, have been the Mecca for the world's students of medicine in the last century and the preceding one which has placed France in the very front rank, in medical progress and scientific advance.

The paternal policy of France has been no where more luminous and brilliant, than in 1900, when the World's Exposition held there, stood in such a strong and masterful way in that wondrous preparation and display, which placed that government and the people of France in the most conspicuous place in the world's civilization, progress and scientific advance; which was also extended by the French Government to the success of the International Medical Congress of 1900 at Paris.

The remainder of the work of the Section will be outlined briefly in the report which will accompany this address.

THE SECTION ON MEDICO-LEGAL SURGERY.

The report will only give an outline of its labor. The extraordinary activity on tuberculosis taking the time and endeavor from the work of this section.

SECTION ON CHEMISTRY.

I renew and repeat what was said last year in my address:

It has not been in my power to complete the organization of this section, only the initiative has been taken. I appeal to the chemists of this body and to the students of chemistry and its cognate sciences to select some of their ablest and most enterprising students to take up this field of research and completely organize this section. I cannot find the time to do it, but will help and aid others who I hope may feel inclined to move the subject forward, embracing microscopic bacteriological and morphological investigation with the important medico-legal questions arising in pathological and physiological studies.

SOME OF THE MORE IMPORTANT LABORS OF THE YEAR 1903.

In March, 1903, the select committee memorialized the Legislature of the State on the abolition of the office of the coroner. (Reported at p. 42, President's Inaugural Address).

THE STANDING COMMITTEE ON THE REPEAL OF THE ODELL LUNACY LEGISLATION.

This committee presented a memorial asking for the repeal and a general commission on a revision of objectionable lunacy legislation. (Vide pp. 517, et al., Vol. 21.)

Prof. R. Ogden Doremus proposed legislation resisting the sale of carbolic acid except in diluted form. Also that hospital window curtains be made flame and fire proof.

Also for lowering temperature in hospital wards in extremely hot weather. The Society has urged a revision of present punishment for wife beaters empowering courts in discretion to sentence such to be flogged as necessary for the protection of wives and children.

I give the complete list of our honorary members as now standing.

We have the greatest pleasure in stating that not one death occurred of this list in 1903, a most remarkable fact.

ROLL OF HONORARY MEMBERS.

January, 1904.

HOME.

- *Chief Justice Hon. Geo. B. Andrews, of Connecticut.
- Dr. A. N. Bell, Editor Sanitarian, New York.
- Hon. David J. Brewer, Supreme Court of United States.
- Hon. L. L. Bleckley, late Chief Justice of Georgia.
- Prof. Dr. Stanford, E. Chaille of Louisiana.
- *Hon. Noah Davis of New York Supreme Court.
- Dr. N. G. Davis, of Chicago, Ill.
- Prof. Dr. R. Ogden Doremus, of New York.
- *Ex-Chief Judge Robert Earl, of New York Court of Appeals.
- Judge L. A. Emery, Supreme Court of Maine.
- Judge Chas. G. Garrison, Supreme Court of N. J.
- Prof. Dr. Chas. H. Hughes, Alienist and Neurologist, St. Louis, Mo.
- Hon. Simeon E. Baldwin, of the Supreme Bench of the State of Connecticut.
- Hon. Isaac S. Blodgett, Chief Justice of the Supreme Court of New Hampshire.
- Hon. Geo. B. Bradley, Ex-Justice of the Supreme Court of New York and Ex-Associate Judge of the Court of Appeals.
- Hon. Walter Clark, of the Supreme Court of North Carolina.
- Prof. R. H. Chittenden, Yale University, New Haven, Conn.
- Hon. Abraham H. Dailey, Ex-Surrogate of Kings County, and ex-President of the Medico-Legal Society, of New York.
- Hon. John F. Dillon, ex-Justice of the Supreme Court of Iowa.
- Prof. Dr. F. W. Draper, M. D., Professor of Medical Jurisprudence, Boston, Mass.
- Hon. Charles Donohue, ex-Justice Supreme Court of New York.
- Hon. Moritz Ellinger, ex-Coroner of New York and for many years Corresponding Secretary of the Medico-Legal Society.
- Hon. Marshall D. Ewell, Professor of Medical Jurisprudence, Chicago, Ill.

- Hon. Ignatius C. Grubb, of the Supreme Court of Delaware.
 Hon. John Hay, Secretary of State, Washington, D. C.
 Hon. J. D. Hill, U. S. Minister to Switzerland.
 Hon. Oliver Wendell Holmes, ex-Chief Justice Supreme Court of Massachusetts, and Associate Justice Supreme Court of the United States.
 Richard Hodgson, LL. D., Society of Psychical Research, Boston, Massachusetts.
 Prof. Wm. James, Harvard University, Cambridge, Mass.
 Hon. Wm. J. Larned, ex-Justice Supreme Court of New York, Albany.
 Prof. G. T. Ladd, Yale University, New Haven, Conn.
 Hon. Abraham R. Lawrence Ex-Justice New York Supreme Court.
 Hon. Judson S. Landon, ex-Justice Supreme Court and ex-Associate Judge New York Court of Appeals.
 *Hon. Luther R. Marsh, of New York.
 Hon. Jacob F. Miller, ex-member N. Y. Assembly and ex-President Medico-Legal Society.
 Hon. James T. Mitchell, of the Supreme Bench of Pennsylvania, Philadelphia.
 Prof. John Ordroneux, Esq., Professor Medical Jurisprudence, ex-President State Lunacy Commission of New York.
 Hon. Alton B. Parker, Chief Judge N. Y. Court of Appeals.
 Hon. Charles Peters, Chief Justice Supreme Court of Maine.
 Hon. R. A. Parmenter, ex-State Senator, Troy, N. Y.
 Surgeon General Rixey, U. S. Navy, U. S. A., Washington, D. C.
 Surgeon General Nicholas Senn, M. D., Chicago, Ill.
 Surgeon General Geo. M. Sternberg, M. D., retired, Washington.
 Hon. Chas. M. Start, Chief Justice Supreme Court of Minnesota.
 Hon. John H. Stiness, Chief Justice Supreme Court of Rhode Island.
 Hon. H. M. Somerville, ex-Judge Supreme Court of Alabama.
 Hon. Pardon C. Tillinghast, of the Supreme Bench of Rhode Island.

FOREIGN.

AUSTRIA.

- Prof. Dr. Maurice Benedikt, of Vienna.
 *Prof. Dr. Krafft Ebing, of Gratz.

ENGLAND.

- Sir J. Chrichton Browne, M. D., London, England.
 G. Fielding Blandford, M. D., ex-President British Medico-Psychological Association.
 Psychological Association, London, England.
 Dr. Henry Maudsley, of London, ex-President British Medico-Psychological Association, 16 Queen Anne St., London, England.
 Henry Rayner, M. D., ex-President British Medico-Psychological Association, 16 Queen Anne St., London, England.
 H. Hayes Newington, M. D., ex-President British Medico-Psychological Association, Ticehurst, Sussex, England.
 Dr. Wm. Orange, England, late Superintendent of Asylums for Insane Criminals, at Broadmoor, England.

BRAZIL.

- Prof. Dr. Nina Roderigues, of Bahia, Brazil.

BELGIUM.

- Prof. Dr. Vleminic X. Brussels.
 Dr. Jules Morel, Mons

FRANCE.

- Prof. Dr. P. Brouardel, Paris, France.
 Dr. A. Motet, Superintendent, Paris, France.

Dr. V. Magnan, Superintendent, St. Anne, Paris.
 Dr. Anton Ritti, Supt., etc., Paris, France.
 Senator Theophile Rousselle, Senator of France, Paris.
 Dr. Jules Socquet, Sec'y Medico-Legal Society of France, Paris.

GERMANY.

Prof. Dr. Hermann Kornfeld, Gleiwitz (Silesia).
 *Prof. Dr. Rudolph Virchow, Berlin.

SCOTLAND.

Dr. Daniel Yellowlees, ex-President British Medico-Psychological Association, Edinburgh, Scotland.
 T. S. Clouston, M. D., ex-President British Medico-Psychological Association; Sup't Royal Asylum, Morningside, Edinburgh Scotland.
 W. W. Ireland, M. D., Alienist, Author and Medico-Legal Jurist, Musselburg, Scotland.
 Sir. John Sibbald, M. D., Edinburgh.

ITALY.

Prof. Dr. Morselli, Institute of Genoa, Italy.
 Prof. Dr. Caesar Lombroso, Turin.
 Prof. Dr. Arigia Tamassia, Padua.
 Prof. Dr. Enrico Ferri, Rome.
 Prof. Dr. Augusto Tamburni, Turin.

RUSSIA.

Prof. Dr. Mierzejewsky, St. Petersburg.
 Prof. Dr. P. J. Kovalevsky, Kharkoff, Russia.

SWEDEN.

*Prof. Dr. Axel Key, Stockholm.

ANNUAL REPORT, JANUARY 1 1904.

ACTIVE MEMBERS ELECTED IN 1903.

Dr. W. H. Maynard, of New York.
 Jonathan Tyron Edwards, Esq., New York, ex-Ass't District Attorney, New York City.
 George H. Decker, Esq., of Middletown, New York.
 Dr. Lion Andani, President Medical College, Port au Prince Haiti.
 Hon. Dr. Jerimie, Minister Foreign Affairs and member Cour de Cassation, Port au Prince, Haiti.
 Louis J. Nicolas, late Consul General New York, Haiti.
 Dr. Justin L. Barnes, of New York.
 Solomon Rothschild, Esq., 200 W. 111 Street, New York.
 Dr. John L. W. Meagher, State Hospital for Insane, Ogdensburg, New York.
 Dr. Luigi Mongeri, 20 via Cabrutan, Constantinople, Turkey.
 Dr. Denslow Lewis, 92 State Street, Chicago, Ill.
 G. W. Hopkins, Esq., Temple Court, New York City.
 Bernard Alexander, Esq., 140 Nassau St., New York.

CORRESPONDING.

Prof. Dr. Ceni, Institute of Psychiatry, Reggio Emilia, Italy.
 Prof. Dr. L. Bianchi, Editor of *Amiali de Institute Psichiatrico*, Naples, Italy.
 Prof. Dr. Sciamaina, Institute of Psychiatry, Rome, Italy.
 Prof. Dr. Tanzi, *Rivista di Patologia, Nervosa e Mentale*, Florence, Italy.
 Prof. Dr. Ventra de Manicomio, Nocera Inferiore, Italy.
 Prof. Dr. Lugaro, Florence, Italy.
 Prof. Dr. Mantegazza, *Archivio per l Anthropologia, e. e. Etnografia*, Florence, Italy.

Prof. Dr. Portigliotti, of Italy.
Dr. G. Cesare Ferrari, of Italy.
Dr. Parnisetti, of Italy.
Dr. de Sanctis, Reggio, Emilia, Italy.
Dr. Burzio, of Italy.
Dr. Frigerio, of Italy.
Prof. Dr. Salemi Pace, Il Pisani, Palermo, Italy.
Prof. Dr. Hoche, of Friburg, Baden, Germany.
Dr. Deiter, Halle, Germany.
Dr. J. Bresler, Germany.

NECROLOGY FOR 1903.

HONORARY MEMBERS.

In 1902 we lost by death seven names from our Honorary list. In 1903 we have not lost a single name. Altogether the Honorary list now includes 69 names.

In the active list we have lost five names, Dr. Cyrus Edson, of New York; Thomson Jay Hudson, of Detroit; Dr. I. N. Love, of New York; Dr. C. F. Ulrich, of Wheeling, W. Va.; Dr. John F. Valentine, of Brooklyn. The smallest death rate in many years.

In the corresponding list we have lost Hon. Wm. H. Adams, Presiding Justice, Appellate Division New York Supreme Court and Fourth Department.

PSYCHOLOGICAL.

This Department is conducted with the following Associate-Editors :

Judge Abram H. Dailey, Brooklyn, N. Y. Prof. A. A. D'Ancona, San Francisco, Cal. H. S. Drayton, M. D., N. Y. M. Ellinger, Esq., N. Y. City. Dr. Havelock Ellis, London. J. Thornton Sibley, M. D., N. Y. City.	Wm. Lee Howard, M. D., Baltimore, Md. R. J. Nunn, M. D., Savannah, Ga. A. E. Osborne, M. D., Cal. Jas. T. Searcey, M. D., Tuscaloosa, Ala. Prof. W. Xavier Sudduth, Chicago, Ill. U. O. B. Wingate, M. D., Milwaukee, Wis.
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as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of \$1.50

Any student of Psychological Science is eligible to unite with the Section without joining the Medico Legal Society on an annual subscription of \$1 50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1903 are as follows:

Chairman,

PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

LEGAL AND SCIENTIFIC.

Vice-Chairmen,

Clark Bell, Esq., of New York.
 Rev. Antoinette B. Blackwell, of N. Y.
 Harold Browett, Esq., Shanghai, China.
 C. Van D. Chenoweth, Worcester, Mass.
 Judge Abram H. Dailey, of Brooklyn.
 Moritz Ellinger, Esq., of New York.
 H. C. Wright, Esq., Corry, Pa.
 J. Thornton Sibley, M. D., of N. Y.
 Sophia McClelland, of Chicago, Ill.
 Mrs. Jacob F. Miller, of New York.

MEDICAL.

Vice-Chairmen.

T. D. Crothers, M. D., of Hartford, Conn.
 F. E. Daniel, M. D., of Austin, Texas.
 H. S. Drayton, M. D., of New York.
 Wm. Lee Howard, M. D., of Baltimore, Md.
 J. Mount Bleyer, M. D., New York City.
 Prof. Thomas Bassett Keyes, of Chicago.
 R. J. Nunn, M. D. of Savannah, Ga.
 A. E. Osborne, M. D., of Glen Ellen, Cal.
 Jas. T. Searcey, M. D., Tuscaloosa, Ala.
 U. O. B. Wingate, M. D., Milwaukee, Wis.

Mrs. Mary Louise Thomas, of New York.

Secretary and Treasurer.

CLARK BELL, ESQ., OF NEW YORK.

Executive Committee.

CLARK BELL, ESQ., Chairman.

SAMUEL BELL THOMAS, OF NEW YORK CITY, Secretary.

M. Ellinger, Esq. J. Thornton Sibley, M. D.	Judge A. H. Dailey.	R. W. Shufeldt, M. D. H. W. Mitchell, M. D.
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PSYCHOLOGICAL SECTION OF THE MEDICO-LEGAL SOCIETY.

ANNUAL REPORT, JANUARY 1, 1904.

TO THE FELLOWS OF THE PSYCHOLOGICAL SECTION AND OF THE MEDICO-LEGAL SOCIETY.

The following subjects are within the Domain of Studies pursued by the Section:

1. The Medical Jurisprudence of Insanity.
2. Inebriety, Heredity and Sociology.
3. Criminality and Criminal Anthropology.
4. Mental Suggestion, and especially of Physicians as to Clinical Suggestion and Therapeutic Hypnosis.
5. Experimental Psychology.
7. Clairvoyance.
8. Facts within the Domain of Physical Research, including investigation into so-called Modern Spiritism.

The work of the Section for the year, since the last Annual Report, may be summarized as follows:

FIRST.—The entire list of contributions made to "The American Congress on Tuberculosis," an organization founded by the Medico-Legal Society of New York, the labors of which, produced under the patronage of that body, as a part of the work of this Section in its relation to:

1. Preventive legislation, to arrest the spread and ravages of that dread disease.
2. The treatment and study of the disease itself, and its relation to Sanatoria, Light, Electricity, Climatology.

The whole of which is reproduced in a Bulletin, which has already reached over 300 pages, with contributions from all lands and countries, too voluminous for this report, and the Bulletins of which for the session of 1902 to be published in 1904, will remain as a permanent and enduring monument, not only to the subjects, but of the great labors of the body in which this Section has borne so conspicuous a part.

SECOND.—Additional contributions from leading citizens, touching the necessity of a repeal of the lunacy legislation recently passed by the Legislature in New York, under the instigation of the Governor of the State, revolutionizing the whole plan of management of our insane hospitals, and the care and supervision of the insane and transforming the control and management of these institutions from the local boards, which have founded and formed these great institutions during the past half century, in accordance with the needs, wishes and labors of the several localities where they are located and have grown up, to a Central Bureau at Albany, to be governed, regulated and controlled by a political officer, and to be appointed, dominated and controlled by whatever political party is in power in the State, as a political, partisan officer, from which the insane institutions of the State have been in the past, completely separated and divorced, and looking to a concerted and con-

tinnous movement for the repeal of such legislation, as vicious to the last degree, and greatly prejudicial to the welfare of the insane of the State.

THIRD.—The discussion of the subjects allied to Criminology and its sociological studies, on which discussion is now solicited.

The officers of the Section recommended for re-election for 1904 are as follows:

Chairman,

PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

Vice-Chairmen.

LEGAL AND SCIENTIFIC.

Clark Bell, Esq., of New York.
Rev. Antoinette B. Blackwell, of N. Y.
Harold Browett, Esq., Shanghai, China.
C. Van D. Chenoweth, Worcester, Mass.
Judge Abram H. Dailey, of Brooklyn.
Moritz Ellinger, Esq., of New York.
H. C. Wright, Esq., Corey, Pa.
J. Thornton Sibley, M. D., of N. Y.
Sophia McClelland, of New York
Mrs. Jacob F. Miller, of New York.
Mrs. Mary Louise Thomas, of New York.

Vice-Chairmen.

MEDICAL.

T. D. Crothers, M. D., of Hartford, Conn.
F. E. Daniel, M. D., of Austin, Texas.
H. S. Drayton, M. D., of New York.
Wm. Lee Howard, M. D., of Baltimore, Md.
J. Mount Bleyer, M. D., New York City.
Prof. Thomas Bassett Keyes, of Chicago.
R. J. Nunn, M. D., of Savannah, Ga.
A. E. Osborne, M. D., of Glen Ellen, Cal.
Jas. T. Searcy, M. D., of Tuscaloosa, Ala.
U. O. B. Wingate, M. D., Milwaukee, Wis.

Secretary and Treasurer,

CLARK BELL, ESQ., OF NEW YORK.

Executive Committee.

CLARK BELL, ESQ., Chairman.

SAMUEL BELL THOMAS, ESQ., OF NEW YORK CITY, Secretary.

M. Hllinger, Esq.

G. Thornton Sibley, M. D.

Judge A. H. Dailey.

R. W. Shufeldt, M. D.

H. W. Mitchell, M. D.

The Standing Committees recommended for 1904 are as follows:

TELEPATHY, MODERN SPIRITUALISM, &C.—Judge Abram H. Dailey, Brooklyn, N. Y., Chairman; A. B. Whitney, M. D., of New York City; Sophia McClelland, Chicago, Ill.; R. J. Nunn, M. D., of Savannah, Ga.; C. Van D. Chenoweth, Shrewsbury, Mass.

EXPERIMENTAL PSYCHOLOGY AND PSYCHICAL RESEARCH.—Prof. W. Xavier Sudduth, of Chicago, Chairman; Geo. W. Grover, M. D., Sheffield, Mass.; Prof. Harlow Gale, of Minneapolis, Minn.; Rev. A. Brown Blackwell, of N. Y.; Judge Abram H. Dailey, of Brooklyn, N. Y.; Mr. Clark Bell, of New York City; Percy R. Chittenden, Esq., of Brooklyn, N. Y.; J. Mount Bleyer, M. D., of New York City; Alexander Wilder, M. D., of N. J.; Dr. Robert Sherin, Cleveland, O.

MORBID PSYCHOLOGY.—William Lee Howard, M. D., Baltimore, Md.; T. D. Crothers, M. D., Hartford, Conn.; Prof. C. H. Hughes, of St. Louis, Mo.; E. Sanger Browne, M. D., Chicago, Illinois; W. S. Magill, M. D., of New York.

HYPNOTISM.—J. Thornton Sibley, M. D., of New York, Chairman; H. S. Drayton, M. D., New York City; T. D. Crothers, M. D., Hartford, Conn.; Alice J. Saunders, New York City; Wm. Lee Howard, M. D., Baltimore, Md.; Thomas Bassett Keyes, of Chicago, Ill.; Clark Bell, Esq., New York City.

PSYCHO-THERAPEUTICS.—Prof. A. A. d'Ancona, Chairman. San Francisco, Cal.; Henry S. Drayton, M. D., N. Y. City; A. B. Whitney, New York City; Dr. E. N. Buffitt, Jersey City, N. J.

The Woman's Committee of the Section is composed as follows:

COMMITTEE OF WOMEN.—Caroline J. Taylor, Chairman; Alice Berillion, 7 Rue de la Sorbone, Paris, France; Antoinette Browne Blackwell, C. Van D. Chenoweth, Rosalie Dailey Mrs. Laura Dayton Fessenden, Highland Park, Ill.; Eleanor Gridley, of Chicago; Mrs. Esther Herman, Sophia McClelland, Mrs. Ezra McHatton, Macon,

Ga.; Laura A. C. Miller, Mrs. Isaac N. Quimbey, Jersey City, N. J.; Dr. Agnes Sparks, Brooklyn, New York; M. Louise Thomas.

Every member of the Society is eligible to membership in the Section, as also the wives of members of the Society.

The annual Dues of the Section are \$1.50, entitling the members to the Medico-Legal Journal free.

The Section is open to all Students of Psychological Science.

Three members have resigned, nine names stricken from the rolls for non-payment of dues, and fifteen members have been elected.

The Roll of members of the Section contains 156 names.

January 1, 1904.

Respectfully submitted,

CLARK BELL,

Vice-Chairman and Secretary.

NOTE:—The officers recommended by the report were duly elected by the Society on recommendation of the Executive Committee at January meeting, 1904.

ROLL OF MEMBERS—PSYCHOLOGICAL SECTION, MEDICO-LEGAL SOCIETY.

- Dr. Raphael Asselta, 31 Prince Street, New York City.
 Clarence A. Arnold, Esq., Colorado Springs, Colorado.
 Rev. Dr. C. S. Arnold, Detroit, Mich.
 Prof. A. A. d'Ancona, 1022 Sutter Street, San Francisco, Cal.
 Prof. D. S. Abbott, Athens, Ga.
 E. C. Bacon, Ouray Herlad, Ouray, Colorado.
 Albert Bach, Esq., 151 West 79th Street, New York City.
 Lacey Baker, 113 East 19th Street, New York.
 Mrs. Helene S. Bell, 200 West 78th Street, New York City.
 Clark Bell, Esq., Secretary, Galfour Bldg, 39 Broadway, N. Y. City.
 Harold Browett, Esq., Yuen-Ming-Yuen Road, Shanghai, China.
 Major Paul R. Brown, M. D., U. S. A.
 E. Sanger Browne, M. D., Chicago, Ill.
 Dr. E. N. Buffet, 804 Borgen Ave., Jersey City, N. J.
 Edward P. Buffet, Jr., 804 Borgen Ave., Jersey City, N. J.
 Francis C. S. Burnham, Millbrook, N. Y.
 Rev. Antoinette Brown Blackwell, 350 West 71st Street, New York City.
 Prof. L. A. Baralt, Havana, Cuba.
 Samuel S. Buckley, College Park, Prince George Co., Md.
 Prof. E. Boirac, Paris, France.
 Dr. H. Braduc, 191 Rue St. Honore, Paris, France.
 Alice Berillon, 19 Rue de Savvie, Paris.
 Dr. Marcel Briand, Hospice de Ville de Juif, Paris.
 Dr. Bourneville, 14 Rue des Carmes, Paris, France.
 Mary Louise Benoit, M. A., State Central Asylum, Newark, N. J.
 L. C. Brown, Esq., Apartalo 322, Mexico City, Mexico.
 Dr. O. O. Burgess, 375 Geary Street, San Francisco, Cal.
 Mrs. C. Van D. Chenoweth, 628 Sutter Street, San Francisco, Cal.
 Edward W. Chamberlain, Esq., Counsellor-at-Law, 111 West 42nd Street, New York City.
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 Prof. Dr. J. Crispin, 1 Rue de Soudan, Algiers.
 Prof. Geo. Chase, New York Law School, 309 West 74th Street, New York City.
 Edward Howard Carnahan, Esq., Meaford, Ontario, Canada.
 Thomas Darlington, M. D., Klingsbridge, N. Y.
 F. E. Daniel, M. D., Texas Medical Journal, Austin, Texas.
 Dr. James H. DeWolf, 1600 West Franklin Street, Baltimore, Md.
 Mary Randal Downs, Danbury, Conn.

- Isidore Dyer, M. D., Tulane University, New Orleans, La.
 Mrs. Judge Dailey, 675 St. Marks Ave., Brooklyn, N. Y.
 Judge Abram H. Dailey, ex-President Medico-Legal Society, 16 Court Street, Brooklyn, N. Y.
 Mrs. Ernest Dichman, Monroe, Orange Co., New York.
 H. S. Drayton, LL. B., M. D., 37 Emory St., Jersey City, N. J.
 Havelock Ellis, M. D., Carbis Water, Lelant, Cornwall, England.
 E. J. Fosselman, 585, East 140 Street, New York City.
 Moritz Ellinger, Esq., Surrogate's Office, New York City.
 Wm. S. Forest, Esq., Security Building, Chicago, Ill.
 Mrs. Laura Dayton Fessenden, Happie-go-Luckie, Highland Park, Illinois.
 Dr. Frazer, Commissioner in Lunacy, Edinburgh, Scotland.
 Geo. W. Grover, M. D., Sheffield, Mass.
 Ursula Gestefeld, Chicago, Illinois.
 Prof. Harlow Gale, Chicago, Ill.
 Eleanor Gridley, Orland, Ill.
 Dr. Ganberide, San Panto, Brazil.
 Mrs. Edlow W. Harrison, 31 Summit Ave., Jersey City, N. J.
 B. W. Holliday, M. D., Cleveland, Ohio.
 N. deV. Howard, M. D., Sanford, Fla.
 Rev. Phebe A. Hanaford, 230 W. 95th Street, New York City.
 M. B. Hubbs, M. D., Addison, N. Y.
 Dr. Wm. Lee Howard, 1126 North Calvert Street, Baltimore, Md.
 Prof. C. H. Hughes, Editor Alienist and Neurologist, St. Louis, Mo.
 Mrs. Isabella Beecher Hooker, 16 Marshall St., Hartford, Conn.
 *Thomson Jay Hudson, Esq., Washington, D. C.
 Rev. R. Herbert Jones, Lawrence, S. C.
 Col. Fred. Hamilton, 383 Seventh Avenue, Brooklyn.
 Dr. Ella A. Hunt, Equitable Bldg., St. Louis, Mo.
 Andrew Hirschl, 19 Dearborn Street, Chicago, Ill.
 A. Laura Joscelyn, 309 Broadway, care Mutual Reserve Fund Life Insurance, New York City.
 *Judge Arthur T. Johnson, Gouverneur, St. Lawrence, N. Y.
 Dr. Oscar Jennings, 17 Rue Vernet, Paris, France.
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 Mrs. F. J. Lord, Brockwayville, Pa.
 Clarence A. Lightner, Esq., 87 Moffat Bldg., Detroit, Mich.
 Henry Lefuel, Cour de Appel, 15 Rue de 1 Universite, Paris.
 Georges Leedru, Avocat la Cour de Appel, 42 Rue de Paradis, Paris.
 Miss Alice F. Lewis, 93 Summit Ave., Jersey City, N. J.
 Robert N. Maroni, 111 West 2d Street, Jamestown, N. Y.
 Senor Rafael Montufar, M. D., Guatemala, S. A.
 K. D. MacKenzie, M. D., St. Johns, New Foundland.
 *Mrs. Jacob F. Miller, 62 West 89th Street, New York City.
 D. Gilbert McKoon, Esq., 32 Broadway, New York City.
 Mrs. Sophia McClelland, 4210 Cottage Grove, Chicago, Ill.
 Dr. Bettini di Moise, 60 West 76th Street, New York City.
 Hubbard W. Mitchell, M. D., 747 Madison Ave., New York City.
 Wilson McDonald, Esq., Sculptor, 6 West 102d St., N. Y. City.
 J. McDonald, Jr., 106 Fulton Street, New York City.
 I. A. Maryson, M. D., 194 East Broadway, New York.
 Dr. Emile Mary, Thun, Switzerland.
 Miss Rosa Moore, S. W. Cor. 173rd St. and Amsterdam Ave., New York City.
 Mrs. Eliza H. McHatton, Macon, Ga.

- Mrs. Elizabeth T. McLaughlin, 47 Crescent Ave., Jersey City, N. J.
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 Max Nordau, 34 Av. de Villiers, Paris, France.
 Charles Page, 183 Esplanade Ave., Montreal, Canada.
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 Prof. Dr. Salvatore Ottolenghi, University of Sienna, Italy.
 T. S. Pyle, M. D., Canton, Ohio.
 *Mrs. E. K. Pangborn, 63 Arlington Av., Jersey City, N. J.
 Dr. Demetre Photakis, 7 Rue Broca, Athens, Greece.
 Mrs. Isaac N. Quimby, 89 Summit Ave., Jersey City, N. J.
 Prof. Nina Rodrigues, M. D., President Medico-Legal Society,
 Bahia, Brazil.
 *Irving Rosse, M. D., Washington, D. C.
 Hon. Henry Robinson, Concord, N. H.
 Dr. Robert Reyburn, 714 13th St., Washington, D. C.
 Dr. A. W. Van Reuterghen van Breistral, Amsterdam, Holland.
 Chris. Ritter, Iola, Allen County, Kansas.
 Col. P. C. Rust, 120 Broadway, New York.
 Prof. Dr. E. Regis, University of Bordeaux, France.
 Prof. Dr. Carlo Ruata, Perugia, Italy.
 *C. O. Rice, M. D., 235 Central Block, Pueblo, Colorado.
 Alice J. Saunders, The Gardner, 128 West 43rd St. New York.
 James T. Searcey, M. D., Tuscaloosa, Ala.
 Major R. W. Shufeldt, M. D., 471 145th Street, New York.
 P. W. Xavier Sudduth, 100 State Street, Chicago, Ill.
 Mrs. Alice May Scudder, 303 York St., Jersey City, N. J.
 Dr. H. Sotolaroff, 251 East Broadway, N. Y.
 Dr. Robert Sheerin, Cleveland, Ohio.
 T. J. Sibley, 730 E. 3rd Street, Brooklyn, N. Y.
 Dr. Jules Socquet, 6 Boulevard Richard le Noir, Paris.
 Dr. J. F. Sutherland, Deputy Commissioner in Lunacy, Edin-
 burgh, Scotland.
 Sir John Sibbald, 18 Great King St., Edinburgh, Scotland.
 E. T. Taliefferro, Esq., 203 Broadway, New York City.
 Caroline J. Taylor, Bridgeport, Conn.
 Mrs. M. Louise Thomas, 2431 Webster Av., Fordham, N. Y.
 Chas. Teubner, Saticoy, Cal.
 Dr. A. Tovarsky, Moscow, Russia.
 Dr. Paul Tesdorpf, Thierschplatz I, Munich, Bavaria.
 *Judge John A. Vance, Gouverneur, N. Y.
 M. Nelson Volding, M. D., Supt. State Hospital, Cherokee, Iowa.
 Mrs. Beatrice J. de Vol, "The Easton," 153 E. 18th St., New York.
 Dr. de Val Court, 64 Boulevard St. Germain, Paris.
 U. O. B. Wingate, M. D., 204 Biddle St., Milwaukee, Wis.
 A. B. Whitney, 216 W. 79th St., New York City.
 Mrs. Adelaide Wilson, State Lunatic Asylum, Milledgeville, Ga.
 Harry Wellington Wack, Esq., London, England.
 Dr. T. R. Winde, Heustrasse 13, Munich.
 Ernest Wende, M. D., 471 Delaware Avenue, Buffalo, N. Y.
 H. C. Wright, Esq., Corry, Pa.
 A. Howard Young, M. D., 52 Mechanic Building, Pueblo, Colorado.
 Total membership, 156.
 January 1, 1904.

Respectfully submitted,
 CLARK BELL,
 Vice-Chairman and Secretary.

NOTE:—The officers recommended by the report were duly
 elected by the Executive Committee at January meetings, 1904.

SECTION OF MEDICO-LEGAL SURGERY—MEDICO-LEGAL SOCIETY.

ANNUAL REPORT—JANUARY 1, 1904.

TO THE FELLOWS OF THE SECTION OF MEDICO-LEGAL SURGERY AND OF THE MEDICO LEGAL SOCIETY :

The domain and province of the Section is defined by the following standing resolution :

Resolved, That all questions in Medico-Legal Surgery are to be deemed within the scope and province of the Section on Railway Surgery, including, especially, military and naval surgery, and the broad domain of surgery in its relation to medical jurisprudence.

The Section is intended to embrace, besides naval, military, and railway surgeons and counsel railway managers, railway officials, whether lawyers or surgeons; many of whom have already united with the body, and who are eligible to membership under the statutes of the Society.

Three members of the Executive Committee constitute a quorum, and five of the Board of Officers of the Section.

The work of the Section during the preceding year has been devoted to the advancement of the science of the medical jurisprudence of surgery in all of its branches. The papers contributed upon these branches of science have been in part published in the Medico-Legal Journal, which is the official organ of the Section.

The following are Associate Editors:

MEDICAL.

Granville P. Conn. M. D., Concord, N. H.
R. Harvey Reed, M. D., Wyoming.
Nicholas Senn, M. D., Chicago, Ill.
Webb J. Kelley, M. D., Galion, Ohio.
Prof. A. P. Grinnell, M. D., Burlington, Vt.

LEGAL.

Clarence A. Lightner, Esq., Detroit, Mich.
Judge Wm. H. Francis, New York.
Judge Abram H. Dailey, Brooklyn.
Judge Charles G. Garrison, of N. Y.
Judge L. A. Emery, of Maine.

This department is conducted as the organ of the Section of the Medical Jurisprudence of Surgery of the Medico-Legal Society.

The following officers are recommended for re-election for 1904:

Chairman.

Chief Surgeon Charles K. Cole, M. D., of Helena, Mont.

Vice-Chairmen.

Clark Bell, Esq., of New York.
Judge W. H. Francis, of New York.
Hon. W. C. Howell, of Iowa.
Prof. A. P. Grinnell, M. D., of Vermont.
Hon. A. R. Parmenter, of Troy, N. Y.
Hon. George R. Peck, of Illinois.
Hon. J. M. Thurston, of Nebraska.
Judge Abram H. Dailey, Brooklyn, N. Y.
L. L. Gilbert, Esq., of Pennsylvania.
Clarence Lightner, Esq., Detroit.

Vice-Chairman.

Ch. Surg. W. A. Adams, of Ft. Worth, Tex.
Ch. Surg. F. H. Caldwell, M. D., of Fla.
Surgeon Geo. Chaffee, M. D., of Brooklyn.
Surg. Thos. Darlington, M. D., of N. Y.
Ch. Surg. Granville P. Conn, M. D. of N. H.
Ch. Surg. W. B. Outten, M. D., of St. Louis.
Surg. Gen. R. Harvey Reed, M. D., of Wy.
Ch. Surg. F. A. Stillings M. D., of N. H.
Surg. Gen. Nicholas Senn, M. D., of Ill.
Ch. Surg. S. S. Thorne, M. D., of Ohio.

Secretary.
Treasurer.

Clark Bell, Esq., 39 Broadway, N. Y.

Judge Wm. H. Francis, New York City.
39 Broadway, N. Y.

Executive Committee.

Clark Bell, Esq., Chairman.

Surg. Thomas Darlington, M. D., of N. Y. Ch. Surg. T. J. Ritchardson, of Wis.
Ex-Ch. Surg Geo. Goodfellow, M. D., Cal. Sur. Fayette H. Peck, M. D., of Utica, N. Y.
Chief Surg. A. C. Scott, M. D., of Texas. Claim Agt. R. C. Richards, Esq., Chicago.
Judge A. H. Dailey, of New York. Ch. Surg. F. A. Stillings, M. D., of N. H.
Surg. J. N. Hall, of Denver, Colorado.

The following is the present

ROLL OF MEMBERS.

Surgeon H. B. Allen, Cloquet, Minn.
Surgeon E. L. Annis, M. D., La Porte, Ind.
Surgeon W. G. Branch, M. D., Bunkie, La.
Clark Bell, Esq., of New York.
Hon. C. H. Blackburn, of Cincinnati, Ohio.
Surgeon S. Grover Burnett, M. D., of Missouri.
Surgeon T. J. Bennett, M. D., of Austin, Texas.
Surgeon S. Belknap, M. D., Big 4 System, Niles, Mich.
Surgeon W. H. Burland, M. D., Punta Garda, Fla.
Charles L. Baxter, Esq., Atty El. R. R., Boston, Mass.
Surgeon George Chaffee, M. D., 226 47th St., Brooklyn, N. Y.
Surgeon D. W. Cowan, C. N. R. R. & S. P. & D., Hinckley, Minn.
Chief Sur. G. P. Conn, M. D., of Concord, N. H.
Chief Sur. Chas. K. Cole, M. D., of Helena, Mon.
Surgeon Martin Cavana, of Oneida, N. Y.
Chief Surgeon Chas. H. Caldwell (Plant System), Way Cross, Ga.
Surgeon R. Percy Crookshank, M. D., Rapid City, Manitoba.
Surgeon W. S. Cudebeck, Port Jervis, New York.
Judge A. H. Dailey, of Brooklyn, N. Y.
Surgeon J. M. Dinnen, of Fort Wayne, Ind.
Surgeon C. M. Daniel, M. D., of Buffalo, N. Y.
Surgeon H. W. Darr, M. D., of Caldwell, Texas.
Surgeon Thos. Darlington, M. D., N. Y. City.
Surgeon A. E. Ellingwood, Attica, New York.
L. E. Dickey, Esq., Birmingham, Ala.
Surgeon A. Eyer, M. D., of Cleveland, Ohio.
*Chief Sur. B. F. Eads, M. D., of Texas.
*Surgeon Jno. L. Eddy, Erie Ry. Surgeons, Olean, New York.
Judge Wm. H. Francis, of No. 39 Broadway, N. Y.
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Surgeon De Sassure Ford, M. D., of Augusta, Ga.
Chief Surgeon J. H. Ford, M. D., C. W. & M. Railway, Wabash, Ind.
Surgeon S. L. M. Foote, M. D., Argentine, Kansas.
Sur. William Govan, M. D., of Stony Point, N. Y.
Surgeon A. P. Grinnell, M. D., Burlington, Vt.
Chief Sur. Geo. Goodfellow, M. D., of California.
Surgeon W. N. Garrett, M. D., Forney, Texas.
Hon. William C. Howell, of Keokuk, Iowa.
Surgeon G. P. Howard, M. D., of Texas.
Surgeon J. L. Hall, M. D., Fairhaven, N. Y.

- Surgeon M. B. Hubbs, M. D., Addison, N. Y.
 Surgeon John E. Hannon, Jasper, Fla.
 Col. Valery Havard, M. D., Med. Dept. U. S. A., Fort Monroe, Va.
 Surgeon N. deV. Howard, M. D., Sanford, Fla.
 Surgeon John H. Hurt, M. D., Big Springs, Texas.
 Surgeon C. B. Herrick, M. D., Secy. N. Y. State Ass. Ry. Surgeons,
 Troy, N. Y.
 Surgeon L. C. Hicks, M. D., Burlington, Wis.
 Surgeon F. S. Hartman, M. D., 5 Blue Island avenue, Chicago, Ill.
 Chief Surgeon W. T. Jameson, M. D., of Texas.
 Dr. H. Johnson, Surg. at Hospital, Grandin, Mo.
 W. J. Kelly, Esq., of New York.
 Surgeon C. B. Kibler, M. D., of Corry, Penn.
 Sur. A. P. Knapp, M. P. Railway, Leoti, Kansas.
 Surgeon R. E. L. Kincaid, Bonham, Texas.
 Chief Sur. N. Y. Leet, M. D., of Scranton, Pa.
 Surgeon I. C. Legare, M. D., of Donaldson, La.
 Surgeon J. A. Lightfoot, M. D., Texarkana, Ark.
 Surgeon C. F. Leslie, Clyde, Kansas.
 Surgeon F. T. Labadie, M. D., 122 W. 64th St., New York.
 Surgeon W. H. Meyers, M. D., Myersdale, Penn.
 Chief Surgeon Solon Marks, Milwaukee, Wis.
 Chief Surg. W. H. Monday, M. D., Terrell, Tex.
 Surgeon H. W. Mitchell, M. D., of New York.
 Chief Surg. H. McHatton, M. D., of Macon, Ga.
 Chief Surgeon John Mears, Kansas City.
 Chief Surg. J. C. Martin, F. H. W. & W. Findlay, O.
 Surgeon A. A. McLeod, M. D., of Michigan.
 Surgeon William B. Morrow, N. Y. O. & W. R. R., Walton, Delaware Co., N. Y.
 Surgeon W. H. Monday, Terrell, Texas.
 Surgeons McCloud and Hodges, High Spring, Fla.
 Judge J. G. McCarry, Walker, Minn.
 Chief Surg. W. R. Nugent, M. D., Oscaloosa, Iowa.
 Surgeon M. B. V. Newcomer, Tifton, Ind.
 Chief Sur. W. B. Outten, of St. Louis, Mo.
 Hon. George R. Peck, of Chicago.
 R. A. Parmenter, Esq., Troy, N. Y.
 Surg. T. P. Russell, M. D., of New Oshkosh, Wis.
 Sur. General R. Harvey Reed, M. D., Wyoming.
 Surgeon J. T. Reeve, M. D., of Appleton, Wis.
 R. C. Richards, Esq., Claim Agent, N. W. Ry., Chicago, Ill.
 Surgeon C. L. Stiles, M. D., of Oswego, N. Y.
 Surgeon E. M. Schofield, M. D., of Jamestown, N. Y.
 Chief Surgeon C. A. Smith, M. D., of Tyler, Texas.
 Chief Surgeon F. A. Stillings, of Concord, N. H.
 Sur-Gen. Nicholas Senn, M. D., of Chicago, Ill.
 Surgeon H. B. Sauner, M. D., of Wisconsin.
 Chief Surgeon A. C. Scott, G. C. & S. F. R., Temple, Texas.
 R. W. Shufeldt, M. D., 502 West 142nd St., New York.
 Surgeon Samuel D. Smoke, M. D., Fort White, Fla.
 Hon. John M. Thurston, Omaha, Nebraska.
 Chief Sur. S. S. Thorne, M. D. of Toledo, O.
 Surgeon A. A. Thompson, of Waxaeacilin, Texas.
 Judge L. R. Watts, of Portsmouth, Va.
 Surgeon B. F. Wilson, M. D., of Slater, Mo.
 Surgeon C. S. Ward, M. D., of Ohio.
 Sur. H. J. Williams, M. D., of Georgia.
 Chief Surgeon Webb J. Kelly, Sec'y, Gallon, Ohio.
 Surgeon J. R. West, M. D., Richmond, Ind.
 Nelson W. Wilson, M. D., 53 7th St., Buffalo, N. Y.
 Surgeon J. P. Webster, M. D., Chicago, Ill.
 Judge Allen Zollars, Solicitor P. R. R., Fort Wayne, Ind.

Only one member has died, chief Surgeon B. F. Eads, of Texas. Three members have been elected during the year. Total 104 members. Three members have resigned during the year 1903. The present roll contains 104 members.

Respectfully submitted,

C. K. COLE, M. D., Chairman.

CLARK BELL, Vice-Chairman and Secretary.

NOTE.—The officers recommended by the Committee, were duly elected by the Medico-Legal Society at January meeting, 1904.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

January Meeting, 1904.

The Society held its annual meeting and annual banquet at the Hotel Marlborough on Wednesday, January 20, 1904, with a large attendance. The Society made use of the occasion to tender a complimentary dinner and reception to the heads of the Departments of Health, Charities and Corrections of the city of New York. Hon. Thomas Darlington, M. D., President of the Board of Health; Hon. Frank J. Lantry, Commissioner of Corrections, were in attendance. The Board of Charities was represented by Deputy Commissioner Hon. James E. Dougherty, Esq., Hon. James H. Tully, Commissioner not being able to attend.

The dining hall was arranged in small tables, and one of the guests of honor placed at one of these, and the invited guests placed at separate tables.

After the removal of the cloth, the Society was called to order, the President, Clark Bell, Esq., in the chair, Samuel Bell Thomas, Esq., Secretary, and J. R. Abarbanel, Assistant Secretary elect, in attendance.

The reading of the minutes of the last two meetings was laid over to the February meeting.

The following were duly elected members on the recommendation of the executive committee:

Hon. Francis J. Lantry, Geo. W. Hopkins, New York; Lum Smith, Esq., New York; Dr. G. F. M. Bond, of Yonkers, N. Y.

To the Psychological Section: Dr. Thornton J. Sibley, of Brooklyn, N. Y.

The installation of the officers elected for the ensuing year was then made, Hon. Jacob F. Miller, ex-President of the body, acting as installing officer. The following officers were duly installed:

MEDICO-LEGAL SOCIETY.

OFFICERS ELECT FOR 1904.

President,

CLARK BELL, Esq., of New York.

1st Vice-President,

A. P. GRINNELL, M. D., Burlington, Vt.

2nd Vice-President,

T. D. CROTHERS, M. D., of Conn.

Vice-Presidents for the States.

Alabama—Judge Thos. W. Coleman, Montgomery.
Alaska—Clarence Thwing, M. D., Sitka.
Arizona—A. E. Purman, M. D., Phoenix.
Arkansas—H. C. Dunavant, M. D., Osceola.
Austria—Prof. Dr. Maurice Benedikt, Vienna.
Belgium—Dr. Jules Morel, Mons.
Brazil—Prof. Nina Rodrigues, M. D., Bahia.
British Honduras—Ada M. Chevallier, M.D., Balize
California—A. E. Osborne, M. D., Glen Ellen.
Colorado—J. N. Hall M. D., Denver.
Connecticut—Judge A. M. Tallmadge, Bridgeport.
China—Harold Browett, Esq., Shanghai.
Cuba—Fidel G. Pierra, of Havana.
Dakota, N.—Dr. Dwight S. Moore, Jamestown.
Dakota, S.—
Delaware—Chancellor John K. Nicholson, Dover
Denmark—Prof. Godeken, Copenhagen.
District of Columbia—Robert Reyburn, M. D.,
Washington, D. C.
Dom. of Canada—Hon. A. G. Blair, Ottawa.
England—Dr. Fletcher Beach, London.
Ecuador—Senor J. M. P. Cammano, Wash. D. C.
Florida—Dr. Dewitt Webb, Saint Augustine.
France—Victor Parent, M. D., Toulouse.
Georgia—Richard J. Nunn, M. D., Savannah.
Germany—Dr. H. Laehr, Berlin.
Guatemala—Senor Rafael Montufar.
Hawaii—J. W. Waughop M. D., Kalia Kanai.
Hayti—Genl. J. A. Bordes, Jeremie.
Holland—Dr. P. A. H. Suenes, Vucht.
Hungary—Staatsanwalt Em. V. Havas, Buda Pesth
Illinois—J. E. Owens, M. D., Chicago.
India—P. S. Sivaswamy Aiyar, Madras.
Indiana—W. B. Fletcher, M. D., Indianapolis.
Indian Territory—F. H. Bailey, M. D., Dexter.
Iowa—Jennie McCowen, M. D., Davenport.
Ireland—Conolly Norman, M. D., Dublin.
Italy—Enrico Ferri, M. D., Rome.
Japan—Dr. J. Hashimoto, Tokio.
Kansas—Dr. C. F. Leslie Clyde.
Kentucky—F. H. Clark, M. D., Lexington.
Louisiana—J. J. Scott, M. D., Shreveport.
Maine—Judge L. A. Emery, Ellsworth.
Manitoba—D. Young, M. D., Selkirk.
Maryland—Wm. Lee Howard, M. D., Baltimore.
Massachusetts—Theo. H. Tyndale, Boston.
Mexico—Leon Lewis, M. D., Ozuilua.
Michigan—Clarence A. Lightner, Detroit.

Secretary,
SAMUEL B. THOMAS, Esq.,
of N. Y. City.

Corresponding Secretary,
MORITZ ELLINGER, Esq.,
of N. Y. City.

Assistant Secretary,
JOHN R. ABARBANELI, Esq.,
of N. Y. City.

Pathologist,
WM. S. MAGILL, M. D.,
N. Y. City

Treasurer,
CAROLINE J. TAYLOR
Bridgeport, Conn.

Chemist,
PROF. C. A. DOREMUS, M. D.,
N. Y. City.

Curator,
J. MOUNT BLEYER, M. D., New York.

Toxicologist,
PROF. W. B. McVEY, of Boston.

Librarian,
FRED. L. HOFFMAN, Esq., of N. J.

Assistant Librarian,
THOS. G. FROST, Esq., of N. Y.

Bacteriologist,
G. BETTINI DI MOISE, M. D., of N. Y.

Microscopist,
DR. GEO. B. MILLER, of Philadelphia

Legal,
HON. ALFRED STECKLER, of New York
JUDGE WM. H. FRANCIS, Newark, N. J.
JUDGE A. J. DITTENHOEFER, of N. Y. City.

TRUSTEES:

Medical,
*ISAAC N. LOVE, M. D., of N. Y. City.
R. W. *HUPEL, D. T. M. D., of N. Y. City.
P. M. WISE, M. D., of N. Y. City.

Legal,
HENRY WOLLMAN, Esq., of N. Y. City.
STILES JUDSON, Jr., of Bridgeport, Conn.
JUDGE FRED. E. CRANE, of Brooklyn, N. Y.

COUNSELLORS,

Med. cal.
M. MARKIEWICZ, M. D., of N. Y. City.
C. C. CARROLL, M. D., of N. Y.
THOS. DARLINGTON, M. D., of N. Y. C.

Legal,
CLARK BELL, Esq., of New York.
JUDGE CHARLES G. GARRISON, of N. J.
JUDGE L. A. EMERY, of Maine.

PERMANENT COMMISSION:

Medical,
GEO. L. PORTER, M. D., of Bridgeport, Conn.
NICHOLAS SENN, M. D., of Chicago.
PROF. VICTOR C. VAUGHAN, of Ann Arbor, Mich.

*Deceased.

The President-elect then made his inaugural address, which was ordered printed in the Medico-Legal Journal.

The following committee was named on the address and its recommendations: Samuel Bell Thomas, Esq., and Dr. A. P. Grinnell.

The reports of the section on Medico-Legal Surgery was made, approved and ordered on file. The officers and committees as submitted were approved of and declared elected by the body.

The report of the Psychological Section was submitted and approved and ordered placed on file. The officers and committees as named were on motion unanimously elected.

The chair reported that the new Section on Chemistry had not been fully organized, but the matter was progressing favorably. It was moved and carried that the authority to the President to complete the organization of this section be continued and that chemists, scientists and students of microscopy, bacteriology, pathology and the cognate sciences be invited to unite with the section and co-operate in its labors and that all members or others who wish to unite with it at an annual subscription of \$1.50 per annum.

The chair submitted to the society the action of the State Department of the Government of the United States in recognition and aid of the American Congress on Tuberculosis as organized under the auspices of the Medico-Legal Society in 1900, and copies of the correspondence with the American Secretary of State as reported in the Medico-Legal Journal of June, September and December, 1904, and the action of the management of the Universal Exposition of St. Louis, 1904, in placing the Congress on its list of International Congresses for October 3, 4, and 5, 1904, with the sanction of the Government of the United States, as so announced in said Journal.

The chair also announced that an opposition to the said Congress had arisen in certain quarters in the medical profession of those who were opposed to holding any congress on tuberculosis in 1904 at St. Louis, and who were vigorous in opposing the success of the congress of 1904. That the editor of the journal of the American Medical Association had assailed editorially the American Congress on Tuberculosis, its officers and management, and especially the ability and standing of its medical men, and introduced a published reply which had been sent by the chair as chairman of the committee on organization of the International Congress on Tuberculosis, with its introduction as published on pages 353, 354, 355, and seg. 355-362; also the action of the published announcement of the committee on organization of the Congress of October, 1904, at St. Louis, and of its chairman as to the personnel of members and officials appearing in the September and December numbers of the said Journal, and from advance sheets of the coming March number, together with the following appeal to members:

NOTICE TO MEMBERS.

To Members of the Medico-Legal Society, Active, Corresponding and Honorary:

The superb, the splendid recognition and sympathetic action of the Government of the United States in favor of the American Congress on Tuberculosis, founded by the Medico-Legal Society in 1900 and held annually since under its auspices, with the like endorsement and similar action by the management, of the Universal Exposition at St. Louis, 1904, in placing the Congress on its list of International Congresses for Oct. 3, 4 and 5, 1904, and creating a Committee of Organization from its prominent officials and promoters, is the highest and most conspicuous recognition that has ever been given to the labors of the Medico-Legal Society.

The management of the International Congress asks of the Medico-Legal Society that its members of all classes, active, honorary and corresponding, with all the members of its various sections,

amounting to nearly 1800 names, sustain the International Congress on Tuberculosis to be held at the St. Louis Exposition next October and invites them to enroll as members of the body, which can be done at \$1.00 each, whether able to attend or not, as a recognition of the strong sympathy extended to our labors by the Government of the United States and the management of the Universal Exposition, St. Louis, 1904.

CLARK BELL,

Dec. 30, 1903.

President Medico-Legal Society.

The action of the chair was on motion unanimously approved, and the sympathy and support of this body pledged to support the American International Congress in all ways in its power.

The after-dinner exercises were opened by introducing the guests of honor. Dr. Thomas Darlington, President of the Board of Health, who responded in a felicitous speech for the Board of Health.

Hon. Francis J. Lantry was introduced and the Board of Corrections toasted.

Mr. Commissioner Lantry responded explaining the details of the working of the board since it had been separated from the Board of Charities, and the improvements in its administration now going on and under contemplation.

He made a great hit and showed talent as an after-dinner speaker, and was cheered, especially by the ladies, who were in attendance.

The toast to the Board of Charities was responded to by Mr. Deputy Commissioner James E. Dougherty, who has had a large experience in that department, and who gave an interesting account of its administration.

Vice-President Dr. A. P. Grinnell made the speech of the evening on the New York criminal system and best methods of correcting errors in such cases. He drew on his own experience and gave object lessons of verdicts of juries, as relief agents, in one aggravated case where a verdict of \$12,500 was recovered by a man so closely resembling the speaker as to raise a question of identity.

Mrs. C. Payne sang very acceptably, as did Miss Barbieu. There was a large attendance.

CLARK BELL, President.

SAMUEL BELL THOMAS, Secretary.

J. R. ABARBANELL, Ass't Secretary.

MEDICO-LEGAL SOCIETY.

February Meeting, 1904.

The February meeting of the Medico-Legal Society was held at the Hotel Waldorf-Astoria, February 17, 1904.

The minutes of the meetings of November and December, 1903, were read as printed in the December number of the Medico-Legal Journal and duly approved. The order of the evening was the legislation suggested by Prof. Doremus in the following letter:

80 Madison Avenue, January 29, 1904.

My Dear Mr. Bell:—

In consequence of the great number of suicides by carbolic acid, I think it would be wise for the Medico-Legal Society to urge the passage of a bill, through the present Legislature, forbidding druggists, under a heavy penalty, selling this chemical excepting in a most diluted form,—one per cent., sufficient for disinfecting purposes.

Also a second bill, to oblige all hotels in New York State to make their curtains flame-proof.

And a third bill, to require physicians to save lives in extremely hot weather, by having every hospital in this State provided with a device for artificially cooling the wards.

For fifty years I have shown medical students how, by the evaporation of liquified gases, rooms can be cooled.

Liquified ammonia has been used in refrigerating plants, e. g. breweries. At the Fulton Market butchers cool meat and vegetables by the evaporation of this liquid, in tubes, arranged in refrigerators.

The liquid is delivered from underground tubes (as Croton water) and by other pipes, and the expanded gas is returned to the factory to be re-liquified by pressure.

I have published this in journals and in newspapers for many years.

I once said, "If dead hogs can be cooled in Chicago, why not cool live Bulls and Bears in the New York Stock Exchange?"

Last summer the Stock Exchange introduced this cooling device in its new building.

Two summers ago, when the thermometer registered 100 degrees to 104 degrees F. for a long period, I urged the cooling of the Union League Club's apartments artificially, because three of its members had died from excessive heat in the club building, among them Rogers, the millionaire.

One of the members said, "We don't want to live in a refrigerator!" In winter we don't want to live in a baker's oven!"

In winter we raise the temperature from 0 degrees to 70 degrees. In summer we only need to cool the rooms from 100 degrees down to 70 degrees—a difference of but 30 degrees. We shut the windows and doors in winter, and should shut them in summer.

No hospital in this country or in Europe has provision for cooling its wards in excessively hot weather!

Doctors have to be forced by law to use this adjunct for saving lives.

Yours cordially,

R. OGDEN DOREMUS.

The inclemency of the weather prevented the attendance of the Professor, but the chair submitted the following letter, which was read by the Secretary:

80 Madison Ave., Feb. 17, 1904.

My Dear Friend:—

As I am now an octogenarian, I do not venture out these cold nights, either to public dinners, concerts, theatres, etc., hence must deprive myself of the privilege of attending the meeting of the Medico-Legal Society this evening.

Every citizen knows the importance of a law to prevent the sale of carbolic acid, except in a most diluted form, which would debar its use for suicidal purposes, and yet leave it efficient for disinfection.

I enclose three pieces of curtain that are flame-proof.

One has been treated with a solution of phosphate ammonia.

A second, with sulphate of Alumina; a third with sulphate of ammonia.

Please at the meeting, apply a lighted match to them, in succession. Where the flame is applied, they will char, but the rest of the curtain will not take fire.

So with the strips of wood that have been soaked in a saturated solution of phosphate of ammonia. You cannot light a cigar or a cigarette with them.

In addition to what I have stated about cooling hospitals in hot weather, those physicians who advocate the use of extremely cold

air for consumptives could cool certain wards to zero, or even to a lower temperature.

Moreover, the air would be deprived of its moisture by the cooling device. Patients need not go to the Adirondacks in winter.

In summer, the atmosphere of the Adirondacks is not cold, hence of no benefit to consumptives.

Whereas, in hospitals provided with the cooling devices, such patients could inhale excessively cold air in mid-summer.

Thus said treatment could be continued through the entire year.

Yours hopefully,

R. OGDEN DOREMUS.

Hon. Clark Bell, 39 Broadway.

The experiments suggested were made and were successful. Three samples of curtain stuff that had been treated were lighted, but no flame followed and no fire could start it.

Various questions were raised in the discussion as to how long the treatment of stuff and the word that he described in the letter none of it would burn with a flame.

It was after discussion, moved and carried that the chair name a committee to act in formulating a bill in accordance with the professor's suggestions, which will be hereafter announced, who were authorized and empowered to press the subject before the legislature.

2. The Abolition of the Coroner's office, which last year was favored by both branches of the legislature, and although universally conceded to be necessary, proper and wise, failed to become a law, by unfortunate circumstances entirely outside the merits of the proposed bill was taken.

The chair presented a letter from Dr. Harry R. Purdy, M. D., in behalf of the New York State Medical Association, which was read by the Secretary:

149 Lexington Ave., N. Y., Feb. 15, 1904.

Hon. Clark Bell, 200 West 78th St., New York City, N. Y.

My Dear Sir:—It is with profound regret I have to inform you that I have an engagement for Wednesday evening that will prevent my being present at the annual meeting of the Medico-Legal Society. I, however, wish to say that I hope you will have a resolution passed and sent to both the Senate and Assembly favoring the Ellsberg bill, for that bill will certainly be enacted this year if public-spirited citizens like yourself will indicate their approval of it.

The Ellsberg bill differs from the Massachusetts Examiners Act, only in the method of appointment of the examiners. In Massachusetts the Governor makes the appointments; the Ellsberg bill places the selection with our excellent and well administered Board of Health, under Civil Service rules, and makes that Board responsible for every official act of the examiners, thus effecting a complete removal of the system from the realm of politics, and ensuring a prompt, accurate and scientific investigation of the causes of death when those causes are unknown.

The bill confers the legal conduct of cases upon the District Attorney, where it properly belongs, and requires the City Magistrates, who are men learned in the law, to preside over all inquests.

It will thus be seen that this city is abundantly supplied in its different departments with the means of superseding the work of the Coroner, and of doing that work well—and it may be added at a great saving of expense.

If the Ellsberg bill be enacted all the evils of the present system will not only be eradicated, but we will also have that scientific method of determining the causes of suspicious death, and that

orderly and decent administration of the law to which every civilized community is entitled.

Yours very sincerely,

HARRY R. PURDY, M. D.

The chair then presented a letter from Senator Elsberg enclosing a copy of Senate Bill, No. 317, introduced by Mr. Elsberg in the New York State Senate, February 8, 1904, read twice, ordered printed and committed to the affairs of cities, entitled.

"An Act to amend the Greater New York charter, authorizing the board of health of the city of New York to appoint a chief medical examiner and medical examiners, and prescribing their powers and duties; creating a bureau of medical examiners in the department of health, abolishing the office of coroner in the city of New York upon the expiration of the terms of office of the coroners now in office in said city, and providing for the performance of the powers and duties exercised by the coroners in such city."

February 16th, 1904.

Clark Bell, Esq., 39 Broadway, New York City.

My Dear Mr. Bell:—I enclose herewith a copy of the Coroner's bill, as introduced this year, and I am very glad to know that the Medico-Legal Society will take up the bill for discussion. I sincerely hope that it will adopt resolutions favoring the passage of the bill. It has a much better chance of passage this year because of the amendments which have been made.

Faithfully yours,

N. A. ELSBERG.

The chair explained that the proposed act related only to the city of New York, and granted no relief outside the city, and proposed no legislation outside the counties of New York, Kings, Queens, Richmond and Westchester Counties.

After discussion the following resolution was unanimously adopted:

Resolved. That the letters of Harry R. Purdy, M. D., of Senator Elsberg and Senate Bill, No. 317, and the whole subject of legislation for the abolition of the office of coroner, and the organization of a proper system, be referred to the standing committee of the society on this legislation, with instructions to use their best efforts to secure the passage of such legislation, as this body had so long endeavored to secure, for the abolition of the office of coroner in this State, and with power to favor the Senate Bill if nothing more favorable could be secured—granting the committee full powers.

The resolution was adopted unanimously.

3. Legislation to punish wife beaters at the whipping post was then made the special order.

The chair submitted two articles on the subject:

1. One entitled "The Wife Beater," from the December number of the Medico-Legal Journal, just out, and

2. One from advance sheets of the same Journal entitled, "The Whipping Post for Wife Beaters," which were read by the Secretary. General Discussion followed.

The chair explained that the friends of the legislation felt that so much discussion had been had in favor of a reform in our system of wife beaters that the plan of a committee suggested at the December meeting of having another committee to go again over the ground was wholly impractical.

No one would act on such a committee. The feeling for the measure was practically unanimous. Only two members had been

found who would oppose and they agreed that the present system of punishment was a failure.

It was then moved that the chair name a committee of four members beside himself, to prepare and impress on the attention of the legislature of extending authority to our magistrates in New York to punish for the offence of wife beating with whipping, in the discretion of the court, in the hope that it might arrest the immense volume of this crime, for the prevention of which our present laws were wholly inadequate, and that all citizens co-operate with this effort in aid of the innocent sufferers from this crime, from motives of humanity and mercy to these unfortunate sufferers.

The resolution was unanimously adopted. The chair named as such committee, Wilson MacDonald, of New York; Hon. Simon E. Baldwin, of Connecticut; Chancellor John R. Nicholson, of Delaware, and Rev. Phoebe A. Hanaford, of New York, with power to add to their numbers from bodies or organizations in sympathy with the work. The body then took up

4. The best method of securing the repeal of the Odell Lunacy Legislation.

The chair submitted articles that had appeared in the public press denouncing the legislation which had been fastened on the State by the Lunacy Legislation, thus inaugurated and scandals resulting from having a politician named as a State officer, entirely unfamiliar with the wants of the insane and without experience in their affairs, taking charge of purchasing the supplies of all the great hospitals for the State, and the baleful influence on our State hospitals and their officials by this vicious legislation, and produced comments from the Buffalo Times and other journals, severely criticising the Governor for improper action as a result of the objectionable system he has instituted, which were read by the Secretary.

After discussion it was

Resolved, That the select committee having in charge the best means of securing the repeal of the obnoxious Odell lunacy legislation, are directed and instructed, to use their best efforts to obtain the desired results, and to call to their aid all bodies, organizations and influences to aid in the effort, and lay plans to secure its repeal at the earliest possible moment after the present Governor's term of office expires, if it cannot be successfully accomplished before.

It was Resolved, That all committees having charge of legislation have power to increase and add to their numbers, and that they invite the co-operation of all individuals or bodies to co-operate in the work entrusted to said committees.

The chair then laid before the society the announcements of the officers of the American International Congress on Tuberculosis, announced to be held under the auspices of the Universal Exposition, St. Louis, 1904, and of the American Congress on Tuberculosis, and of the Medico-Legal Society of New York. On October 3, 4. and 5, 1904, at St. Louis, as announced from advance sheets of the Medico-Legal Journal.

It was unanimously Resolved, That the President and Secretary of this body, give full assurance to the American International Congress on Tuberculosis to be held October 3, 4 and 5, 1904, at St. Louis, of its full sympathy and support, and that the Medico-Legal Society with great pride and pleasure pledges itself to sustain the work of said congress, and asserts its willingness to aid by all that lies in its power to make the coming congress in St. Louis a great success; and congratulates the congress on the splendid recognition it has received at the hands of the Government of the United States.

The chair announced the death of Mrs. Jacob F. Miller, wife of ex-President Miller of this body. On motion it was

Resolved, That the Secretary convey to ex-President, the Hon. Jacob F. Miller, the deep regret felt by and sympathy for him in the affliction and bereavement he has sustained.

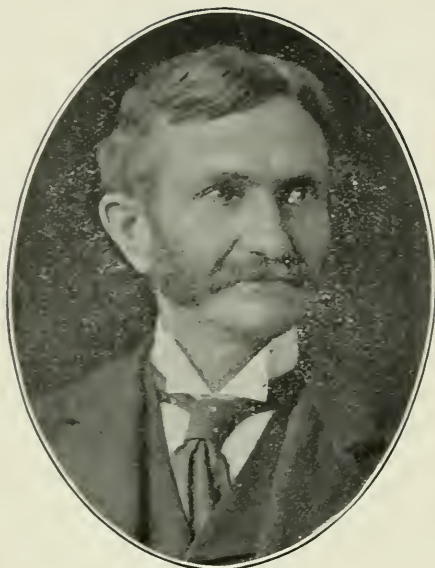
The society adjourned.

CLARK BELL, President.

SAMUEL BELL THOMAS, Secretary.

J. R. ABARBANELL, Ass't Secretary.





N. O. NELSON, Esq.,
Vice President for Illinois.



PROF. DR. ADAM H. WRIGHT
University of Toronto.



HON. A. ROBITAILLE.
Provincial Secretary, Quebec.



HON. J. R. STRATTON,
Provincial Secretary, Toronto.

HONORARY VICE PRESIDENTS, AMERICAN CONGRESS ON TUBERCULOSIS.

EDITORIAL.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Universal Exposition, St. Louis, 1904.

Some criticism from medical sources has recently been made reflecting upon the medical men selected and appointed by the President of the Universal Exposition at St. Louis as a committee for the organization of the International Congress on Tuberculosis, to be held in St. Louis, October 3, 4 and 5, 1904.

We publish a list of that committee consisting of 21 members as originally appointed of which 3 only were laymen and 18 were physicians.

The committee on organization is composed as follows:

Clark Bell, LL. D., Chairman, 39 Broadway, N. Y.; President Medico-Legal Society of New York.

E. J. Barrick, M. D., Toronto, Ontario; President of the American Congress on Tuberculosis.

A. N. Bell, M. D., N. Y., Editor Sanitarian; Honorary President of the Congress.

J. Mount Bleyer, M. D., New York, Vice-President of the Congress.

Hon. Ex-Judge Abram H. Dailey, Brooklyn, N. Y.; Honorary President of the Congress.

Dr. F. E. Daniel, Austin, Texas; First Vice-President of the Congress; Editor of the Texas Medical Journal.

Thomas Darlington, M. D., Kingsbridge, New York; Ex-Treasurer Medico-Legal Society; President Board of Health New York City; Secretary of the Committee on Organization.

W. F. Drewry, M. D., Petersburg, Virginia; Vice-President of the Congress; Member of Council.

Hon. Moritz Ellinger, New York; Corresponding Secretary of the Medico-Legal Society and Chairman of the Governing Council.

A. P. Grinnell, M. D., Burlington, Vermont; First Vice-President of the Medico-Legal Society of New York.

Prof. Dr. C. H. Hughes, Honorary President of the Congress, St. Louis, Mo.

M. K. Kassabian, M. D., Member of Council, Philadelphia, Pa.
 H. Edwin Lewis, M. D., Burlington, Vt., Editor Vermont Medical Monthly; Member of Council.
 Dr. W. F. Morrow, Secretary State Board of Health, of the State of Missouri, Kansas City.
 Richard J. Nunn, M. D., Savannah, Ga.; Member of Council.
 Dr. W. B. Outten, Chief Surgeon M. P. System, St. Louis, Md.
 Surgeon General Nicholas Senn, Chicago, Ill.; Honorary President of the Congress.
 Dr. John H. Simon, Health Commissioner, St. Louis, Mo.
 J. W. P. Smithwick, M. D., La Grange, N. C.; Member of the Council.
 G. B. Tabor, State Health Officer, Austin, Texas.

The following names have been added to the Committee on Organization by the Executive Board since the first announcement of the Committee was made public:

Prof. Dr. A. H. Wright, of the University of Toronto.
 Dr. John Ferguson, Editor of the Canada Lancet.
 Dr. M. M. Smith, of the Texas Medical News
 Dr. A. E. Regensburger, of San Francisco, Cal.
 These gentlemen are holding prominent positions in the Congress.

VICE-PRESIDENTS OF THE AMERICAN CONGRESS ON TUBERCULOSIS RECENTLY APPOINTED AND WHO HAVE ACCEPTED IN THE DOMINION OF CANADA.

HONORARY VICE-PRESIDENTS.

Dr. T. G. Roddick, M. P., Montreal, Quebec.
 Sir William Hington, M. D., Montreal, Quebec.
 Hon. Senator Geo. A. Drummond.
 James Loudon, President of the University of Toronto.

VICE-PRESIDENTS AT LARGE.

Dr. W. P. Caven, Toronto, Ontario.
 Dr. Daniel Clark, Toronto, Ontario, vice Henry B. Baker, not qualified.
 Dr. R. W. Powell, Ottawa, Ontario.
 Dr. W. H. Moorehouse, London, Ontario, vice Dr. C. S. Wilbur, not qualified.

VICE-PRESIDENTS OF PROVINCES.

Dr. Albert A. Macdonald, Toronto, Ontario.
 Dr. J. A. Robertson, Stratford, Ontario.
 Mayor Adam Beck, London, Ontario.
 Mayor James Cochran, Montreal, Quebec.
 Mayor W. W. White, St. Johns, N. B.
 Charles J. Coster, St. Johns, N. B.
 Mayor John Arbuthnot, Winnipeg, Manitoba.
 Dr. H. H. Chown, Winnipeg, Manitoba.
 Dr. J. A. M. Aikins, Esq., K. C., Winnipeg, Manitoba.
 Dr. J. D. Laferty, Calgary, N. W. T.
 Dr. G. A. Kennedy, McLeod, N. W. T.
 Rev. Dr. J. C. Herdman, Calgary, N. W. T.
 Dr. C. J. Fagan, Victoria, B. C.
 Rev. Leslie Clay, Victoria, B. C.
 Dr. S. T. Turnstall, Vancouver, B. C.

In the published list of the Vice-Presidents at Large who fill that office 35 physicians of the very highest standing in the United States of America are embraced.

In addition to which the Vice-Presidents appointed for the different States of the Union, outside of those named for foreign countries, who were identified with the Congress embrace more than 125 physicians of the very highest standing in their respective states, whose names have been published.

This does not embrace the Canadian members and officers of the Congress elected at the annual meeting of June, 1903, and heretofore announced in preceding numbers of this Journal.

ANNOUNCEMENT.

The following announcement has been issued by the management of the American International Congress on Tuberculosis on January 15, 1904.

New York, January 15, 1904.

My Dear Colleagues:—

It is out of the question for the Chairman of the Committee on Organization, to write all our officials in all the States, but enough has transpired to send you copies of such articles, as are appearing and will appear from time to time in the public press, lay and medical. I hope this will reach you in time for the February Journals, in which it is hoped some of the matter furnished you, will find publicity, in both lay and medical journals.

Enough now has occurred, to settle the question that there will be a great meeting of the St. Louis Congress in October, 1904, at the universal Exposition, and the representation will be quite too large, for the consideration or even discussion of individual papers, except in sections.

The character of the medical men connected officially with the Congress, and its organization by the committee named by Governor Francis of the International Exposi-

tion, embracing such illustrious names from the medical profession as Dr. A. N. Bell, Editor of *The Sanitarian*, of Brooklyn; Dr. E. J. Barrick, President of the International Congress; Dr. F. E. Daniel, First Vice President, *Texas Medical Journal*, Texas; Dr. Thomas Darlington, President Board of Health New York City and Secretary of the Committee Organization; Dr. W. F. Drewry, Vice President and member of Council, Petersburg, Va.; Dr. A. P. Grinnell, of Burlington, Vt., First Vice President Medico-Legal Society; Prof. Dr. C. H. Hughes, alienist and neurologist, St. Louis, Mo., Honorary President; H. Edwin Lewis, M. D., Editor *Vermont Medical Monthly*, Burlington, Vt.; Dr. W. F. Morrow, Secretary State Board of Health of the State of Missouri; Dr. Richard J. Nunn, member of the Council, and one of the ablest medical men in Georgia; Dr. W. B. Outten, Surgeon General of the Missouri Pacific Railway System of the U. S.; Surgeon General Nicholas Senn, M. D., of the State of Illinois, and at the very head of the medical profession of his State; Dr. John H. Simon, Health Commissioner of St. Louis, Mo.; and Dr. George B. Tabor, the State Health Officer, of Austin, Texas, not to enumerate all the other medical men of that committee, or those who have accepted positions of Vice Presidents, honorary, at large, or from the several States, more than one hundred and fifty in number, should be a sufficient guaranty, not alone to the medical profession, but to the community, that all questions concerning the proper censorship of papers; the suitable regulation of subjects for discussion, and the organization of standing committees and programme, will reflect only honor and credit upon the medical profession of which these gentlemen form so conspicuous a part.

Announcements have been and will continue to be made under the head of "Notes on Tuberculosis" in the *Medico-Legal Journal* for the months intervening between the issues of the *Journal*, announcing the progress of important

current events. Applications for membership are reaching us from all parts of the country and from the Canadas. The principal objector now, is an energetic medical gentleman who has applied for admission, as he says, unsuccessfully, and who is now advising the medical profession to confer at Baltimore, on the advisability of naming a national medical committee on tuberculosis.

That the medical profession should have such a committee is beyond all question or dispute, but it is doubtful if it could be considered as such, if it originates by a few gentlemen who meet for conference on the call of such an individual or to serve any body of individuals.

It should be organized, by and under the auspices of the American Medical Association, and by its authority to entitle it to be recognized as representative or worthy of influence. If the State Medical Society of a State should originate such a measure, and other States co-operated, it might in time gain respect.

We do not see how any coterie of medical men, who represent no state or national society, could name, select or place their friends on such a committee, and secure medical respect and recognition, or be classed or considered as representative in character.

The American International Congress on Tuberculosis, will take a deep and lively interest, in securing suitable representation at the French Congress on Tuberculosis at Paris in 1905, and will not in any manner antagonize the proposed congress announced by Dr. Daniel Lewis and his associates, which is announced for Washington in April, 1905.

All medical or legal gentlemen, legislators, public officials, scientists or intelligent laymen, who are interested in its work, and boards of health, medical or legal associations or bodies, will be warmly welcomed to representation at its meeting, and the delegates not to exceed three in number, except State Medical Associations, where a larger number will be received, if properly vouched for, by the State Med-

ical Associations, or by a suitable medical committee on officers who have not remitted their dues for 1903, of \$1.00, credentials, named by the management of the Congress in States where no delegates are named by State societies.

All delegates named by Governors of States or by State Medical Societies, or by other medical organizations, for the American Congress on Tuberculosis in 1900, 1901 and 1902, in good standing, are entitled to enroll in the Congress of 1904 on payment of any arrears of annual dues, and sending a written request to the proper officers.

The membership fee for 1904 is only \$1.00, and members forwarding names and addresses will be enrolled in the order of the receipt of their applications. Members and officers will please do so without being asked to do so.

All members of 1903 and 1904 who also remit \$1.50 in addition, will receive the Volume XXI, Medico-Legal Journal at half price, which will contain all the latest and current announcements of the Congress.

Respectfully submitted,

E. J. BARRICK, M. D., President American International Congress on Tuberculosis.

CLARK BELL, Chairman Committee on Organization of the Universal Exposition, St. Louis, 1904, and of Board of Executive Officers of the International Congress.

MORITZ ELLINGER, Chairman of the Council.

SAMUEL BELL THOMAS, Secretary.

THE BALTIMORE CONFERENCE.

As illustrating the great interest felt by the older men of the Medical profession, in showing that the American International Congress of St. Louis, is on Medico-Legal lines and not on Medical lines as such.

We enclose the following correspondence :

St. Louis, Mo., Jan. 21, 1904.

My Dear Clark Bell:—I sent a letter of which enclosed is a copy, to the Secretary of the Baltimore conference, and to Drs. Welch and Osler. So you see my argument and how I stand. So you see my argument and how I stand. I think they will come in.

Very truly yours,

C. H. HUGHES.

St. Louis, Mo., Jan. 21, 1904.

Dear Doctor:—As a member of the profession interested in its welfare, and as a citizen having a physician's concern for sanitary advance among the people, I believe it to be the professions' duty to patronize and support the effort now begun, through the World's Fair Management, the support of the Government and the initiation of the New York Medico-Legal Society's Congress on Tuberculosis.

This congress, though not an exclusively medical movement, is following in the line of our precepts for the suppression of tuberculosis. The voice of the medical profession will be heard by all the people, if we support this popular movement now, and the world will come nearer securing fruition of the profession's hopes, at this congress than ever before, for potent influences are already enlisted for the conquering of consumption, in addition to our own, but whatever results accrue from this St. Louis congress must redound to the glory of the medical profession, as having enlightened and pointed out the way for the people's escape from the ravages of this plague of civilization and indoor life.

The movement now begun will go on and if we attempt to discountenance it now by holding aloof or placing obstacles in its path, we will suffer in popular censure as our ancestors in the profession did in the attitude toward the popularization of vaccination.

We have made the knowledge of phthisis so complete and so plainly proclaimed our methods and hopes for its eradication we cannot now afford, from the standpoint of the profession's best interests, to appear opposed to the World's Fair Congress, supported as it is by the Government, for such awakened interest and endeavor on the part of the people is what we have always asked for. Support of this movement, new to the people and the century, appears to one not associated with any tuberculosis society but having a zealous professional interest in all sanitary crusades, that honor the work of the medical profession to be the profession's unflinching duty and interest at this time.

The work of other and more exclusively medical organizations need not, by thus supporting this worthy movement in our own professional footsteps, be discouraged, but on the other hand they should all be supported by us.

As a loyal St. Louisan interested in the good repute of the St. Louis Universal Exposition, whose outstretched hands hospitably invite the exploitation of all interests conducive to man's welfare, I could not discountenance the coming of any body of reputable men, with worthy purpose within our borders. And if I were not loyal to the Universal Exposition of my city, my loyalty to my profession's highest interests would prompt the countenance and patronage of all such worthy purposes, even though I might not approve the sources of their inception.

Very truly yours,

C. H. HUGHES.

P. S.—Let me suggest to the gentlemen who will meet at the contemplated conference in Baltimore, that you insist on the fact that the World's Fair Congress is a medico-legal and popular move to do something on preventive lines marked out by the regular medical profession, and so well understood that they are as popularly

known as vaccination is in relation to smallpox. Remind them that the profession objected to the popularizing of Jenner's vaccination methods, and warn them not to make a similar mistake.

Austin, Texas, Jan. 20, 1904.

Dear Clark Bell:—I have your letters all right and everything understood and satisfactory, and subject matter will have careful attention.

Prof. Welch, of Johns Hopkins, will preside at the Baltimore conference. I have written him and called his attention to the fact that the French Congress has been postponed so as to not conflict, and also that the International Congress on Tuberculosis like the A. B. H. A., is a congress of sanitarians from all branches of science, and not a medical congress solely, and expressed surprise that such as he should lend his countenance to anything like antagonism to it.

Yours very truly,

F. E. DANIEL.

THE PASSING OF THE AMERICAN CONGRESS ON TUBERCULOSIS ANNOUNCED FOR WASH- INGTON IN APRIL, 1905.

Some confusion has been created by the announcement of a Congress on Tuberculosis to be held in April, 1905, by an organization under the Presidency of Dr. Daniel Lewis, of New York, in which the name of the American Congress on Tuberculosis had been closely imitated (with the addition of a few words). This action met with some criticism, at the hands of the Medical Press, and notably, by the Editor of the Journal of the American Medical Association, who advised its promoters that the assumption of the name, of the body, which had received the endorsement of the Government of the United States, or one so near to it as to create confusion in the public mind, was a grave error, and frankly advised that it ought not to be continued.

This was excellent advice from a high authority, and we are very glad to be able to announce that it has been followed. The organization which announced itself as the rival of The American Congress on Tuberculosis, and with the same name, with a few words added, to prevent an absolute duplicate, has ceased to exist. The President of the Tuber-

culosis Congress of April, 1905, announced to be held at Washington, Dr. Daniel Lewis, of New York, is the Editor of "The Medical Review of Reviews."

In the 25th December, 1903, number of that journal, at the head of that editorial column, the following announcement was made:

THE AMERICAN ANTI-TUBERCULOSIS LEAGUE.

The corporate name of the American Congress on Tuberculosis which is to meet at Washington, D. C., in April, 1905, has been changed to the American Anti-Tuberculosis League. This change has been effected in order to make an unmistakable distinction between this association and any other similar meeting for the discussion of the tuberculosis question.

It is the purpose of those interested in the League to have the meeting under the medical direction and control in order to insure the desired high character of the communications to be presented. It is also proposed to enlist the active co-operation of all anti-tuberculous organizations and others engaged in charitable work.

Plans are rapidly maturing for the appointment of the Committee on Programme, Business Committee, Transportation, etc., and the large number of delegates (1,000) already elected by national, state and local societies insures in advance a notable meeting.

The professional public will be duly notified of the progress of organization. The practical application of nearly all measures for the restriction of tuberculosis must depend upon the action of health officials, which fact is recognized by having sanitarians well represented in the management. Every phase of the problem is to be discussed, however, by men who will command the attention of the two continents.

The great importance of public education upon the prevention of consumption is a sufficient reason for the organization of this national league, and will certainly enlist the active and cordial support of every member of the medical profession who has the welfare of the people as a guide to his professional activity.

There now remains but one American Congress on Tuberculosis, and its announcement of an International Congress on Tuberculosis, under the auspices of the Universal Exposition at St. Louis, on October 3rd, 4th and 5th, 1904; and the auspices of the American Congress on Tuberculosis, with the high endorsement of the Government of the United States, terminates a controversy which has given rise to some confusion in our country, and in foreign countries that have been invited by the American Government through its State Department to be present at a session, which leaves no further doubt or controversy possible as to the success of the great International Congress on Tuberculosis at St. Louis in October.

We understand that the managers of the American Anti-Tuberculosis League now contemplate holding its session in April, 1905, in Washington. That it be limited in membership, management, direction and control to medical men.

Such an association should be capable of usefulness, and whether it will meet to begin its career at Washington or elsewhere, it will not be antagonized by any member or officer of The American International Congress on Tuberculosis.

PROF. DR. MAURICE BENEDIKT.

This eminent man who has accepted an Honorary Vice-Presidency in this body, writes expressing his great sympathy with the Congress, and notices the opposition to its work in medical circles. He intimates that he may discuss some of the questions involved for the benefit of his friends in the medical profession in America.

ST. LOUIS CONGRESS ON TUBERCULOSIS.

An open letter from Prof. Dr. Maurice Benedikt to the American public and the Medical profession.

Mr. Clark Bell, the Chairman of the Committee on Organization appointed by the Universal Exposition at St. Louis to organize an International Congress on Tuberculosis, to be held October, 1904, at St. Louis, has received an open letter from Prof. Dr. Maurice Benedikt, of Vienna, one of the Honorary Presidents of the Congress, from which we make a few extracts for the public press, respecting the opposition of medical men who oppose the holding of the Congress, because it was not originated by and limited to the medical profession. Prof. Benedikt says:

"No person doubts that misery is the principal source of Tuberculosis, and as it is a historical truth that prevention is better than cure, and as we may be sure that this truth is also prophetic, we must say that prevention of misery is the most efficacious help for tuberculosis. Prevention of social misery is surely not a special task for physicians.

"To abolish misery we should raise the conditions of family homes of the poor to make f. e. cleanliness possible and to accustom the poor to it. We ought to protect them from the injuries of cold and heat, from starvation, from prostitution through misery, from alcoholism through despair, etc., etc.

"For these duties we need the collaboration of philanthropists of the representatives of communities, countries and States. We need money and laws for that purpose. We need, f. e. a law to be able to

separate an infectious phthisic from his family even against his own will. But we are then obliged to compensate the family for the loss of his earnings, if through such loss his relatives are in danger of perishing by misery.

"The medical profession could not supply these duties from their own economical means.

"I hope to prove at the Congress that the protection of tuberculous individuals and principally in light cases must be quite another than that of phthisics, and that we need for the protection of the first class of patients a widely organized patronage. It is principally for phthisics that we need special and hospitals like-sanatoriums. The idea of these institutions is a merit of the medical profession; the execution of this idea is a matter for society which should before all resolve the economic problem. One needs for this institution not only the collaboration of physicians, but also that of architects, of technical men and of administrative talent. Good and wholesome water becomes then a fundamental exigence; to supply it we need the collaboration of geologists and of technical men.

"In reference to all these indispensable collaborations, the model British Congress on Tuberculosis was summoned not only by doctors, but also by 'laymen,' and these were invited; not only by the medical authorities, but also representatives of the Government, the Mayors of the cities, members of Parliament, philanthropists, etc., etc. And they were present and their presence was necessary; it makes then zealous partisans by means of immediate impression. But this Congress was not specially professional. The Congress on Criminal Anthropology united the heads of juridicial and biological science, pedagogues, administrative authorities and philanthropists, the same elements you find at the Congress of patronage.

"Can you imagine a Psychological Congress without biologists, or would a Congress on Statistics be possible without the collaboration of physicians, judges and administrators?

"We think that the high scientific schools must represent the Universities scientiarum; the more before all the Congress on Tuberculosis must represent the Universities societatis humanae.

"But I feel myself impelled from the interior of my intellect, but in no way from the interior of my heart, to reproach you for having elected me as Honorary President and for having given me an isolated high place which does not correspond to my scientific position in the question of tuberculosis. I am to a certain degree an outsider in this question, and it may be that I should never have written a word about this matter. I had not been invited to collaborate for the British Congress. I took that on consultation with my British colleagues and I communicated to them then my personal experiences and my own ideas on the matter.

"There are many scientific men who have made eminent researches and experiences about tuberculosis and with them I cannot compare myself in merit. I place my dignity as Honorary President at your disposal while remaining profoundly touched by your kindness. I shall come to the Congress also as a simple member before all, because I think I may have to tell you one or another thing which might not be told by any one else. I shall come not only on account of the interest I take in the Congress, but also for other reasons.

"Since my youth I have had the desire to see the United States with my own eyes and above all to become acquainted with its citizens, its learned men, its medical profession and its institutions. My interest in the American medical profession was awakened many years ago by your dentists. I said to myself behind those teeth there are good heads. As my knowledge of American authors increased I was confirmed in my conviction that it is so.

"In general I am of the opinion that from the United States will come a complete renaissance of modern social life. You have profited by all the traditions of European nations and you do not suffer from the drawbacks of these traditions which weigh so heavily on European intellect and energy of will have ample scope for plenty of evolution. The multitude of representative parliaments afford opportunity for all sorts of social improvements and of legal reforms without being hampered by the fatal social organization of different classes as on the old Continent.

"The rich evolution of individualism has created in America a high interesting species of gentlemen. In Europe every progress is an outcome of the 'Schools.' You have an original species of men whom I should name the problemists. In technical questions they form a 'profession of inventors.' also in science it may happen that a gentleman is shocked by a problem. They may not be enough prepared scientifically. Then they appropriate to themselves as self-made men the necessary knowledge and the necessary dexterity for the solution of the problem.

"I hope to be able to shake hands with one or the other of them and I say to you, my dear sir, au revoir a St. Louis.

"Yours faithfully.

"PROFESSOR M. BENEDIKT."

THE PATHOLOGY AND BACTERIOLOGY OF THE TUBERCULE BACILLUS.

Prof. Otto von Schroen, of the Royal Anatomical and Pathological Institute of the Royal University of Naples, one of the greatest of the living students of that country, has accepted the invitation of the Congress to address it on this theme and give illustrated demonstrations.

He sends his programme of the Sub-divisions of the address, viz:

(1) The three typical phases in the structural development of the tuberculosis bacillus.

(2) The three cycles of evolution of the tuberculosis bacillus, which emanate from these three typical structural phases.

(3) The histological, bacteriological and clinical difference between lung tuberculosis and lung phthisis.

(4) The specific crystal of the tuberculosis bacillus and the specific crystal of the thiro-organism of lung phthisis.

(5) Comparison between the specific crystal of

- (a) The tuberculosis bacillus.
- (b) The thiro-organism of lung phtisis.
- (c) The bacillus of Finkle and Prior.
- (d) The bacillus of Cholera nostras.
- (e) The microbe of Cholera Asiatica.
- (f) The bacillus Anthracis.
- (g) The bacillus subtilis.
- (h) The bacillus Coli comune.
- (i) The bacillus negatorium.
- (k) The bacillus taeniaeformis, (Schroen).
- (l) The bacillus diplocapsularis, (Schroen).

The demonstration of these new facts so important for the doctrine, as also for the diagnosis of lung tuberculosis he intends to make with microscopical preparations and with projective throphotograms taken from the preparations.

The preparations showing these facts originate:

- (1) From Sections of lungs of Consumptives and Phtisists
- (2) From Sections of bronchial lymph glands of consumptives and phtisists.
- (3) From serial sections of tuberculosis bacilli, cultures in nitro. (Shroen's method).
- (4) From Culture upreparations of the tuberculosis bacillus in closed hanging drop. (Schroen's method).
- (5) From Culture preparations of the hanging drop under the Schroen glass globe.
- (6) From auto cultures, six years old, of the sputum of consumptives. (Schroen).
- (7) From fresh sputum of consumptives and phtisists. (Scroen's method).

THE SANATARIAN AS A CRITIC.

Criticisms on the American International Congress on Tuberculosis seem to be in order just at the present time. They may be classified as follows:

1. From Medical Editors who not being members of the American Congress on Tuberculosis, nor familiar with its history, aims, objects and purposes, and ignorant of its membership, and the very strong force of Medical men of the highest standing and eminence in their profession in the United States, who were identified with the labors of the body have felt and expressed fears in their columns lest something might occur at the St. Louis Congress, of October, 1904, prejudicial to the dignity of the Medical profession, who might be deemed to be held responsible for the action of the Congress.

Foremost in this class was the Journal of the American Medical Association, whose editor, on learning that the Congress organized in 1900 and meeting annually since, electing its officers, holding joint sessions with the Medico-Legal Society, and always acting under its auspices, never claiming to be a Medical Society per se, but on the contrary, open to all the professions, and having on its roll of officers and members, judges, jurists, governors of state, public officials, scientists and laymen of distinction and recognizing that the Medical profession could not possibly be held responsible for its action, has discontinued his attacks in that influential journal.

2. From prominent physicians who, perhaps, conscientiously believe that a Congress on Tuberculosis should only be held upon the authority and organization of Medical men, and that all other professions should be excluded from its management and control. This is the view of a rival organization, which was formed under the presidency of Dr. Daniel Lewis, and embraced some of the foremost names

selected from the State Boards of Health of a few of the American States, who have announced a Congress to be held in Washington, D. C., April, 1905, and they have changed the name they had originally assumed to "The American Anti-Tuberculosis League."

These gentlemen have vigorously opposed the action of the American Congress on Tuberculosis, and have endeavored as far as lay in their power, to prevent, if possible, the holding of any Congress on Tuberculosis at the St. Louis Exposition. They make no concealment of their attempts to oppose the American National Congress on Tuberculosis at St. Louis; and have endeavored to have their claims presented at a recent conference at Baltimore, to which their friends were very generally invited to attend, in the hope that by some informal action of medical men present on that occasion, some steps might be taken, the result of which, they hoped might be prejudicial to the success of the St. Louis Congress on Tuberculosis.

3. Comments from eminent physicians, prominently identified with the St. Louis Congress, addressed to Prof. William H. Welch, an eminent physician of Baltimore, who was to preside at the Baltimore Tuberculosis Exposition, which have appeared elsewhere in our columns, written by Prof. C. H. Hughes of St. Louis and Dr. F. E. Daniel of Austin, Texas.

4. Favorable criticisms from New York City physicians not members of the Congress, but who become members of it out of sympathy, of which the following communication is a sample:—

Clark Bell, Esq., Chairman Committee on Organization, American International Congress on Tuberculosis.

Dear Sir:—I was very sorry to note the tone of the comment of some of the medical press in regard to the American International Congress on Tuberculosis. I am sure when these critics are better informed about the object of the Congress and its members, they will see their mistake and co-operate with you and your efforts.

Yours sincerely,

ROBT L. WATKINS, M. D.

5. Criticisms from Medical Journals replying to the assaults of a medical critic, who having been disappointed in his efforts to become a member of the American Congress on Tuberculosis, has been assailing its medical members as incompetent.

We enclose the reply of Dr. A. N. Bell, Editor of the *Sanitarian*, one of the foremost sanitarians of our century and of our country, who had forgotten more concerning the best methods of preventive legislation, before the energetic but disappointed critic was born, than it is probable this worthy will ever learn clipped from the February number of the *Sanitarian*.

The *Sanitarian*.

The veteran editor of the *Sanitarian* Dr. A. N. Bell, wields a trenchant pen, and has ground his battle axe for an energetic member of the profession whose methods he seems to well understand. Dr. A. N. Bell was elected president of the American Congress on Tuberculosis in 1900, and served as such in 1901. He retired in 1902 when Dr. Henry D. Holton succeeded him and Dr. Bell was made Honorary President, a position he still occupies. He is familiar with the history, of the inception, rise and progress of that body; and those who know him will agree with us that in medical matters he is as conservative and as strong as he is in sanitary measures.

The American Congress on Tuberculosis has during its life and career had the benefit of the knowledge, experience and skill of Dr. A. N. Bell, and for nearly all the time he has served on its Executive Committee; and it is largely due to his wise counsel, that it has grown into the splendid place it now holds.

We can't understand how he can give so much space in his valuable journal to any one person, as he has done to the disappointed critic of the American International Congress, and especially when he knows, of the motive, that inspires the action and criticisms.

We publish it, omitting the name of the critic, as we do not care to advertise him to the mass of our readers, who have never heard of him as we suppose.

(From the Sanitarian, February, 1904.)

THE INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Dr. ———, of New York, not "Knapp" as the printer made us say in our January issue, who has such an antipathy to Mr. Clark Bell, that he would sooner have no Congress with a view to concentrated action for the prevention of tuberculosis, than one with which Mr. Bell is identified. This opposition of the Doctor's is the more remarkable since, besides his having assumed oracular authority in behalf of the medical profession, through a half dozen or more medical journals, defining the qualifications of the personnel which he deems essential for such an organization, he has presented an urgent "Plea for Justice to the Consumptive," (Medical Record, January 2), to an audience of jurists and physicians, embodying the need of just such co-operation of physicians and men of other professions and affairs as provided in the International Congress. He severely and deservedly berates the Governor and Legislature of New York for their opposition to the will of the medical profession in the choice of suitable sites for sanatoria. But anxious as he always appears to be, to identify himself with every movement for the treatment and prevention of tuberculosis he hears of, he schemes and attempts to debase the forthcoming International Congress, because Mr. Clark Bell has been a leading spirit in its organization.

Early in November last he wrote to Dr. E. J. Barrick, President of the Congress:

"I have learned that there is to be an American Congress on Tuberculosis of which you are the president. I am anxious to be informed as to when and where the Congress is to be held, and who is the secretary, and what formalities have to be complied with in order to become a member?

"Thanking you in advance for your kindness, I am,

Very sincerely yours,

(Signed with the writer's name.)

P. S.—If there is any printed matter (circulars, etc.,) issued, will you kindly favor me with such?"

In reply, Dr. Barrick referred him to Mr. Clark Bell, Chairman of the Committee of Arrangements, who could tell him all about it. That was enough. From the time he received the reply to this, he seems to have worked unceasingly to debase and supplant it. He has been successful in so far as to have been chiefly instrumental in calling a review congress, at the "Tuberculosis Exposition" to be held in Baltimore, beginning January 25th, to know what he and his followers can do about it.

We are gratified to know that, notwithstanding this doctor's energetic opposition, perhaps, in part, because of it, the prospect of a great congress, comprehending persons of

the highest distinction, interested in measures for the prevention of tuberculosis, is eminently encouraging. The "Congress Internationale de la Tuberculosis," which was announced to be held in Paris, September 26th to October 1st, 1904, under the presidency of Prof. Brouardel, one of the Honorary Members of the Medico-Legal Society, and of whom Prof. Dr. M. Letulle, of the Faculty of Medicine, 7 Rue de Magdeburg, is Secretary, out of respect to the American Congress at the St. Louis Exposition, at dates, which, while although not identical, were too near each other to enable the Frenchmen to attend the St. Louis Congress or the Americans to attend the Paris Congress.

The adjournment will accomodate both bodies and enable the International Congress at St. Louis to receive the representatives of the Paris Congress who have been invited to be present.

There has been for many years a great desire to meet Prof. Brouardel on this side of the Atlantic, and it is reasonably hoped that he will attend the International Congress at St. Louis, on October 3d, 4th and 5th, 1904."

Dr. Fred. C. Valentine has had an interesting struggle with a manufacturing company, who made and sold an alleged remedy for gonorrhoea naming the company after him without his consent.

No member of the company had the name and it was a clear case of utilizing the high standing Dr. F. C. Valentine has acquired in his specialty. Dr. Valentine demanded of the company, that it cease to use his name and on their refusal he commenced proceedings for an injunction.

This resulted in the company ceasing to use the name under advice of counsel without litigation.

Dr. Valentine advises the medical profession of the affair, and for information if the company does not regard this advice.

A NEW MEDICAL SOCIETY AGAINST
TUBERCULOSIS.BETTER LATE THAN NEVER.

The outcome of what has been called the Baltimore Conference, which was a meeting by invitation of the leading enemies and opponents of the American International Congress on Tuberculosis, and of those medical men generally opposed to holding a Congress on Tuberculosis at all at St. Louis in 1904, is announced in the New York Medical News. That Journal says: That the preliminary steps were taken to found a National Medical Society against Tuberculosis, and a committee named under the chairmanship of Dr. Wm. Osler, to submit a plan for the permanent organization to the American Medical Association at its June annual meeting at Atlantic City.

This is a step in the right direction. That it has been delayed so long by the medical profession is inexplicable.

It was wise to bring it before the National Medical Association, because the movement originating with a few carefully selected enemies of the coming International Congress on Tuberculosis, not representative of medical bodies; and its action based on an intemperate assault upon the eminent medical men identified with the American International Congress on Tuberculosis, who are acting under the high endorsement of the Government of the United States, which had officially invited delegates to be sent from Foreign countries; could not expect its action to arrest public attention if confined to the narrow circle in which it originated. It was wise to eliminate this element entirely from its preliminary Executive Committee, and it is to be hoped that the National Body, if it favors a National American Medical Society, will lay its foundations wide and broad enough to combine all the elements in our country in a society that would be representative of the medical profession in all sections of this country.

The Medical News says: "It was the sense of the meeting that the new society have no affiliation with either of the so-called International Congresses now under way in this country."

There is no statement that any such action was taken, and it would have been remarkable if it had been attempted.

The Congress on Tuberculosis of which Dr. Dan'l Lewis, of New York, was President, announced to meet in Washington in 1905, it is true did participate in the Baltimore Conference. Dr Lewis did make a strong verbal appeal at that conference for recognition, but it was a vain and a hopeless appeal. The announcement of an entire change of name and a withdrawal from the field as an American Congress on Tuberculosis had been previously publicly announced by him editorially in his Journal. It would have been an entirely, unnecessary and gratuitous insult to the members of that body to have taken such an action.

The American International Congress on Tuberculosis which had been organized by a committee appointed by Hon. D. R. Francis, President of the Universal Exposition, with the approval of the United States Government and placed on the roll of the International Congress, by the World's Fair management, and announced to be held under its auspices, to which all the professions and the intelligent laity had been invited, was neither invited nor represented at the Baltimore Conference, and its application for affiliation could hardly have been contemplated as ever to be made, so as to have made a refusal even possible under any circumstances.

A National Medical Society that would represent the entire medical profession and enlist all the medical talent of the whole country would be a grand step upward and forward, and we hope to see its realization.

But the creation of another anti-Tuberculosis Congress in this country inside the medical profession, as the work of a medical clique, in the interest of one or two or more Universities, or of the Phipps Institute, or of any other group of

organizations, or of private sanitariums for the treatment of consumption and especially disbarring medical men of far higher position than those named on its executive committee, because they had been identified officially with the society of which Dr. Daniel Lewis was President, would be most disappointing to the medical profession and only add to existing confusion. The executive committee, as announced, is composed of Drs. Trudeau, Biggs, Flick, Welch and Sternberg, aside from its chairman, Dr. Osler, and its secretary, Dr. Jacobs, it could hardly be called representative in its character.

Dr. Osler, while not in any sense a specialist in Tuberculosis, and Dr. Wm. M. Welch, one of the very highest authorities on morbid anatomy in the nation, are both of the Faculty of Johns Hopkins University.

Drs. Trudeau and Flick are each so identified with private sanitary institutions as to be available only as to the limited field of medical treatment in sanitariums, which would incapacitate and exclude them, from any broad view as to prevention, and especially of preventive legislation; neither of them would be able to take any view of the question, which might conflict with their preconceived views, as to their especial institutions, in the success of which their professional future and activities are now wholly merged, neither of them could be classed as representatives of other sanitariums than their own. They would have extraordinary faculties for giving advice on the medical treatment of consumption in sanitariums, but the public and the medical profession are now called upon to look higher and into a far more significant and interesting field of inquiry. The question now that concerns mankind, is not medical treatment of the disease. It is the highest question of medical jurisprudence. How far can legislative action retard or avert the ravages of consumption?

What are the best steps and means to be adopted, by legal regulations and stringent legislation, to minimize the terrible

ravages of this dread disease, in saving human life by preventing its spread.

The problems are not medical questions. They are medico-legal ones.

Such a society as has been proposed is capable of great good in the study of its treatment. Also in helping to crystallize public sentiment, to accept the fact, that consumption is an infectious, a communicable disease, and that it is preventible.

Without these facts are established and conceded beyond doubt or cavil, no preventive legislation can be enacted that would override the constitutional right of the citizen. These are the problems to which the American Congress on Tuberculosis has asked the attention of the ablest talent in the legal, the medical professions and submits to the scientific students of bacteriology and pathological research.

Proprietors or superintendents of private institutions, by the management of the American International Congress on Tuberculosis, were not deemed eligible for places on the Standing Committee on Sanitariums.

The Pathology and the bacteriology of tuberculosis will be the great questions at St. Louis in October, 1904. Prof. von Shroen's demonstration of these themes, and the Toxins of Tuberculosis, which Prof. Benedikt, of Vienna, will present, are questions which we must look outside of the ordinary limitations of medical men to even discuss.

It demands the highest excellence and talent, of the ablest students and observers in our country, and with perhaps a single exception the proposed Executive Committee, which Dr. Osler names, would hardly have the requisite experience, research and experience to even discuss.

On the legal side of preventive legislation and its best aspects, we should find none in that committee competent to solve the problems or formulate the proposed laws.

We need men of scientific attainments like Dr. Lederle, late President of our Board of Health, who is not a medical man at

all, to give us his best thought and the advice based on his own original research, rather than such a physician as Dr. Herman Biggs, who forms his opinions on the researches of Dr. Lederle and others of his class. The one has opinions based on the researches of others, the other knowledge and experience based on his own original study and researches.

Both the law and science would refuse to accept the belief or the opinion of the one as establishing a fact, while the testimony of the other constitutes the demonstrated fact.

As to the American International Congress on Tuberculosis, it is not necessary to contrast its brilliant array of medical men with the personality of this executive committee, or with the body it suggests, if it ever materializes. It will warmly welcome any National Medical Society that recognizes the rights of and is a representative of the medical profession of the Nation, but it would not feel interested at all in any new society on sectional lines, or in the interest of medical cliques, schools, universities, or private institutions, sanatoriums and the like. If sanitariums are to be admitted give them all equal rights and a fair field.

THE CORONER'S OFFICE IN NEW YORK.

The Act that finally passed the Legislature, abolishing the office of Coroner, is so vulnerable that it may receive an Executive veto from the Mayor of New York. It is impossible to foresee its results, if approved. It did not pretend to abolish that office in the State, and it continued in office under salaries of \$6,000 each, the Coroners, until the end of 1905, although not performing any service of any kind after the to these officers amounting to \$60,000, whose incompetency to these officers amounting to \$60,000, whose incompetency was generally conceded and asserted by the passage of the bill.

It can hardly be called a victory for those who have so long steadfastly worked for the abolition of that office. The manner of appointing the Coroner's physicians, who are almost synonymous with the Medical Examiners of Massachusetts, and the States who have abolished the Coroner, is vicious to the last degree. It confers that power on the Board of Health of the city, and it substantially makes the Coroner's physician a subordinate officer of the Board of Health. This officer should be in every way independent of the Board of Health, and men should be selected for this position from the best physicians of the city.

The office of Coroner's physician, as created by this Act, is degraded. It should have been uplifted. In Massachusetts these officers are appointed by the Governor.

We have never favored such an appointing power in the Governor of this State, for the reason that it would be almost certain to be used for political purposes.

But nothing could be worse than to vest such a power, in such a body, as our Board of Health in the City of New York, especially as it is now constituted—assuming that its present advisory board was to have any voice in the action. The present Mayor would be a safe man to clothe with such a power, because it is well known that he would exercise it judiciously and ably. The new President of the Board of Health, Dr. Thomas Darlington, would be as fit a man as any medical man could be to discharge that duty, but a Coroner's physician, to be selected by the Board of Health, and he to discharge the duties of this most important office with the understanding that in his administration of its duties he was to regard himself as holding a subordinate position under the Board of Health, is simply impossible—unthinkable.

Nothing that has ever existed in the Coroner's office, in this city, seems so revolting as this. It is to be hoped that we may escape such a calamity.

Partisan politics is deplorable in many cases, but medical advisory boards to be clothed with appointing powers, of

officers of this high rank, to pass on questions of the causes of death, should be men in the front rank, and they should be responsible to the people only, and not be the subordinates of any board, much less of so irresponsible a body as our Board of Health.

The Act was passed at the close of the Session, on an emergency message from the Governor, was not well considered and if the Mayor hesitates to veto it, it will certainly be repealed when a new executive comes into power, no matter of what political party he may be.

THE STATE LUNACY COMMISSION.

Dr. Fred. Peterson has resigned from the chairmanship of the State Lunacy Commission of the State of New York. We are not at all surprised at this result, and it would have been a wise step for Dr. Peterson to have taken last year.

He is a capable physician, but could not give his whole time to the office, as he frankly stated to the Governor when he consented to accept that office.

His name was all that the Governor then wanted, and he must have felt the humiliation of his position as too great to bear.

The whole Lunacy system as devised by Governor Cornell and carried out is an abomination and an outrage, and it remains for the people only to wait until Governor Odell is out of the Governor's chair, to demolish the whole structure he created, when he destroyed the work and labor of fifty years of the friends of the Insane and of Lunacy Reform at a blow.

The spectacle that New York presents to the nation of all her institutions for the Insane, run in minute detail, by a politic appointee and personal friend of the Governor, and every superintendent and appointee in every institution at his mercy and under his power, if he chooses, to dismiss or

supercede him, is one that requires no comment, no words to depict. We are near the end of the career of this extraordinary spectacle of the Governor of a great State, who is now interesting himself in the details of the canvass of the districts of the State, and who has allowed it to go out that he contemplates resigning the Governorship of the State, to assume the chairmanship of the State Committee of the Republican party, so that he can't be cheated by the district leaders in New York City, as he claims to have been at the last election.

Such natures are inexplicable. It is incredible that such a man would resign, unless the chairman of the State Committee afforded him higher opportunities and greater facilities than the Governorship, for the exercise of his talent, or the realization of his ambitions. We congratulate Dr. Peterson that he is out of it all, and he must not find fault if he comes out only slightly singed, although he has done as well as he could in the anomalous position he has occupied.

THE CASE OF MRS. MAYBRICK.

We have the very highest authority for stating that the English Home Secretary has decided not to extend any clemency whatever to this American lady, and to insist upon the full penalty of the law in her case.

The appeals of her countrymen and countrywomen, numbering many thousands, throughout all these long years; the intercession of the American Government officials, during every Presidential administration; the direct personal appeal of President McKinley for her release, on the ground of International comity out of deference to the universal belief in America, in her innocence of the crime for which she was indicted and tried, have been deliberately ignored.

The opinions of the Memorial Committee of the Medico-Legal Society, of New York, composed of men, some of

whom held high Judicial positions, based on a careful study of all the evidence given in the case before the Committing Magistrates; at the inquest; on the trial; and the charge of the Judge; that the conviction was not justified by the evidence and was in violation of both law and justice, has been ignored, and not passed upon, nor considered. The careful opinion of medical and scientific experts of great eminence, in our country, based on a careful reading and examination of the entire evidence in the case, declaring that, in their opinion, the death of Mr. Maybrick was not due to arsenic at all, but to natural causes only, has likewise been wholly ignored.

The dignified, manly and voluntary statement placed by the Earl of Killowen, while exercising the high office of Chief Justice of England, that she should never have been convicted, and that her detention was illegal, with the other and more emphatic written statements and protests against her imprisonment, laid before the Home Secretary, in writing, which were brought with great force to the attention of Sir Matthew White Ridley while Home Secretary, and which resulted in a refusal to discharge her, made to her counsel in 1900. This formal application was based mainly on the letter signed by the Chief Justice and voluntarily placed in Mrs. Maybrick's hands, which spoke with all the more significance and eloquence, when the hand that wrote it, and the heart that dictated it, had both been touched by the angel of death.

No one can fathom the motives that have pursued this innocent lady, not one single act of clemency, or one moment of time, will be extended to her. The influences that secured her conviction, and resisted such efforts as have rarely been made in the history of English speaking countries, still control the English Home Secretary.

The law of England makes it the duty of the Home Secretary in such a case as this, on a life sentence, where the prisoner has been, as Mrs. Maybrick has, a star prisoner; after fifteen years of imprisonment, to release her as a

convict on a ticket of leave. We now know, not from any facts that have appeared in the public prints, but from the highest English authority, that it is the intention of the Home Secretary to release her when the last moment of her time has expired, under which she could be held under English law.

Not one particle of clemency, not one thought of pardon. The same dogged and deliberate cruelty and injustice will continue to the end. She is, as we believe, as innocent of the death of her husband as are and were her children, whom she has not seen for all these years.

The time now draws near for her deliverance. The clemency that should have come long ago is still withheld, and the friends of this wronged and unfortunate lady may now hope that deliverance may at last come to her, and she emerge into freedom when she is entitled to go free at the full period and expiration of her term and not one moment before.

The period that is fixed, by the English system, will expire, in her case, in July next.

There is no appeal in a criminal case in England, and eminent men of the English Bar, decided that there was no way that the manifest errors that occurred in the trial; in the charge; and the strong fact that the verdict was not sustained by the evidence; could be brought before any tribunal for review. Had she been executed, there would have been a change in the right of appeal in England, for almost the whole legal profession in Liverpool demanded a commutation of sentence, to which the trial judge consented. This awful injustice has called the attention of the public conscience of mankind, and aroused the throbbing of thousands of hearts, in all countries, and when the end comes and she emerges from her prison, for where she now is is as much a prison as before, but not so destructive of her vitality, no Englishman can point to this case as adding one single, bright spot on the record of the criminal jurisprudence of England.

In no other country of Christendom could such a travesty on justice, or on the well settled rules and forms of law, have been enacted.

In no Colonial Government, under English rule, would it have been possible.

In Canada, the noblest specimen of English Colonial Government, it would have been impossible.

The Minister of Justice, in Canada, can order a new trial of his own motion, in any capital case after conviction. Every lawyer in Christendom knows that no conviction would have followed a new trial in her case.

The grave, the inexcusable error of the English Government (Home Office) was in not pardoning Mrs. Maybrick, when the great heart of the American people asked for it.

When President McKinley asked for it, irrespective of her innocence or guilt, from motives of National comity, no act of the English Government would have been more timely beneficent and valuable towards a restoration of a better feeling between the countries.

To have pardoned would have recognized guilt, and it would not have compromised the action of the English Court or her conviction in the slightest degree; a pardon is to forgive for the wrong done; it would have been a concession to her guilt, and a reflection on her innocence to have pardoned her. It will be impossible ever to have such an opportunity again. To refuse now clemency, in her case, and to hold her to the last instant of time and then grant her a ticket of leave as a convict, is the very acme of cruelty.

Had Sir James Fitz James Stephen believed she had poisoned her husband, he could not have asked the Home Secretary to have commuted her sentence without dishonor.

Had the jury entertained the same doubt of her guilt that Mr. Justice Stephen held, when he asked for commutation; or that the Home Secretary expressed in the order he made commuting her sentence; it would have been their duty

under the English law, to have acquitted her; and to have given her the benefit of that doubt.

There is one consideration in all this miserable business that is higher than any human action, or than the brutality of the English Home Secretary.

Before that Higher Tribunal; the public conscience of the civilized world; this victim of a system that has punished the innocent, through all these terrible years, and has stood out against the voice of humanity crying for her deliverance, will be an inexcusable act as a question of public policy, that must arouse a feeling of hatred against England, already too strong in America; which men of broader minds would have recognized, and acted upon long ago; if the Home office had been filled as it should be, but has not been for the last three incumbents, by a lawyer of any position at the English Bar.

Nothing can be more unfortunate and more provocative of resentment and of intensifying anti-English feeling in America, than the manner that this case has been handled since Mr. Matthew left the Home office.

DR. ERNEST J. LEDERLE.

We are glad to see that this distinguished chemist, who won his laurels as President of the Board of Health of our city, has decided to open an office in the Metropolis, that will give our citizens and the people of all the country an opportunity to call his great skill into requisition.

Dr. Lederle reconstructed the administration of the Health Department of the Metropolitan City, according to his own ideals, and his administration of it won praise for him, even from his enemies. It was the one Department of the Municipal Government during Mayor Low's administration that was universally commended.

Although not a physician and, therefore, not connected with medical cliques or schools or medical politics, he was all the more competent and qualified for the position he held.

It was the most fortunate appointment that Mayor Low made, and reflected more credit upon that administration than anything it accomplished.

It is to the great credit of Dr. Lederle that the reforms he instituted, and the system he created has been adopted by his successor, Dr. Darlington, now at the head of that department.

Dr. Lederle now enters upon a career of great usefulness. He has shown himself to be a chemist of rare quality and ability. The laboratory work and the study of the Bacteriological, Pathological and microscopical work he created were of a high order and in his new career he will follow on the same lines.

He was elected as one of the Vice-Presidents of the American Congress on Tuberculosis in 1902, but was too much engrossed with his then pressing duties to give it especial attention. He was re-elected to the same position in 1903, and is probably one of the best men in the country to discuss the subjects to be presented by Prof. Maurice Benedikt, of Vienna, "The Toxins of Tuberculosis," and by Professor Von Shroen, of the Royal University of Naples, "The Pathology and Bacteriology of the Tubercle Bacillus."

THE NEW YORK COURT OF APPEALS, HISTORICAL SKETCH OF.

By Clark Bell, Esq., LL. D., of the New York Bar. Published by the Medico-Legal Journal, 39 Broadway (1904).

This work completed in the present number of this Journal will be published as a separate volume, and is now ready.

It will contain Portraits and Sketches, complete, of all the Judges of that Court.

The Portraits of the living Judges have been furnished by the members of that bench, and those of the earlier Judges from the most reliable sources. Price \$1.50 in cloth; \$1.00 in paper. Address, Medico-Legal Journal, 39 Broadway, New York.

THE SUPREME COURT OF THE STATES AND PROVINCES OF NORTH AMERICA.

By Clark Bell, Esq., LL. D., of the New York Bar.

The second volume of this work is now near completion. It will form as a volume, "The Judicial History of the Supreme Court of the State of New York."

It will be completed in 1904, and we hope by October 1st. Published by Medico-Legal Journal. Subscription \$5. Address Medico-Legal Journal.

BELL'S MEDICO-LEGAL STUDIES.

Volume 8 will shortly be completed, and will be announced in the fall of 1904.

AMERICAN MEDICAL EDITORS' ASSOCIATION.

The annual meeting of this Association will be held in the Parlors of the Hotel Dennis, Atlantic City, N. J., at 2 P. M., June 6th. A most interesting programme has been prepared and many instructive papers upon Medical Journalism and allied subjects will be presented. All editors are most cordially invited to attend.

NOTICE.

The American Institute of Phrenology (incorporated 1866 by Special Act of the New York Legislature), now numbers over seven hundred graduates, who are doing valuable work in all parts of the world.

The session opens the first Wednesday in September. For particulars, apply to the Secretary, care of Fowler & Wells Co., 24 East 22nd St., New York.

The Editor of the Journal has been ill during all of April and a good deal of March with a serious attack of "la grippe," which has interfered with his work and confined him to his home. This must excuse the delay in the appearance of the current number.

NOTES ON TUBERCULOSIS.

For the International Congress on Tuberculosis to be held under the auspices of the Universal Exposition and of the American Congress on Tuberculosis, at St. Louis, October 3d. 4th and 5th, 1904.

[Continued from page 403 Dec. number Medico-Legal Journal.]

DOMINION OF CANADA.

Lord Landsdowne writes the American Ambassador that the Governor of Canada has decided to accept the invitation of the United States Government to send delegates to the St. Louis Congress on Tuberculosis, and to give it publicity.

The chairman of the committee on organization has received the following from the Secretary of State:

Department of State, Washington.

March 4, 1904.

Clark Bell, Esquire, Chairman of the Executive Committee of the International Congress on Tuberculosis, 39 Broadway, New York.

Sir:—With reference to previous correspondence, I enclose herewith copy of a despatch from the United States Ambassador at London, stating that the Canadian Government has accepted the invitation to be represented at the forthcoming Congress on Tuberculosis, and that the Canadian Parliament will be asked to vote a sufficient sum of money for that purpose.

I am, sir,

Your obedient servant,

ALVEY A. ADEE,
Second Assistant Secretary.

Enclosure:

From Great Britain, No. 1, 306.

February 20, 1904.

No. 1306.

American Embassy, London.

February 20th, 1904.

Sir:—With reference to the Department's Instruction, unnumbered, of the 16th of September last in relation to the American Congress on Tuberculosis which is to be held in connection with the St. Louis Exhibition in October, 1904, I have the honor to enclose herewith a copy of a note from the Foreign Office, dated the 18th instant, stating that the Government of Canada will be pleased to accept the invitation to be represented at the Congress and that

the Canadian Parliament will be asked to vote a sufficient sum of money for that purpose. Publicity will also be given to the proposed action of the Government of the Dominion in order that it may come to the notice of interested organizations.

I have the honor to be, sir,

Your obedient servant,

JOSEPH H. CHOATE.

The Hon. John Hay, Secretary of State.

Enclosure:

LORD LANDSDOWNE TO AMBASSADOR CHOATE.

Foreign Office, London.

February 18, 1904.

Your Excellency:—With reference to my note of the 19th of October last, I have the honour to state, for Your Excellency's information that the Government of Canada will be pleased to accept the invitation of the United States Government to be represented at the American Congress on Tuberculosis to be held in connection with the St. Louis Exhibition, and that the Canadian Parliament will be asked to vote a sufficient sum of money for the purpose.

Publicity will be given to the proposed action of the Government of the Dominion in order that it may come to the knowledge of interested organizations.

I have the honor to be, etc.,

(For the Secretary of State),

F. A. CAMPBELL.

His Excellency,

The Hon. J. H. Choate, etc.

CALIFORNIA.

Among the many sympathetic letters from the various sections of the country none gives us greater pleasure than that of Dr. Alfred E. Regensburger, of San Francisco, who has been for many years one of the members of the Medico-Legal Society, and has been identified in the past with its work, especially in the Congresses it has held on medical jurisprudence. He writes as follows:

San Francisco, Cal., March 1, 1904.

Dr. Clark Bell, New York City.

My Dear Friend:—Enclosed please find a postal money order for the sum of three dollars, in payment of dues to the New York Medico-Legal Society for the year of 1904, and for dues to the International Congress on Tuberculosis to be held in St. Louis in October, 1904. Kindly return to me receipted bills for the same. I do hope that you will make a grand success of the Tuberculosis Congress, as you and the congress have been so unjustly criticised; assailed is a better word. You have undertaken a great work, in calling into life and organization this congress, and because others were asleep while you were up and doing, therefore, you have encountered the opposition of some. The result will show that both the legal and medical professions will sustain you and the congress. Wishing, again, all success to you and to the congress, I remain,

Yours most respectfully,

ALFRED E. REGENSBURGER.

CANADA.

The enclosed letters from the Provincial Secretaries of Ontario and Quebec, and from the new Secretary of the Provin-

cial Board of Health, who succeeds by the way, our esteemed friend Dr. Bryce, show the interest our Canadian cousins feel in the approaching Congress.

Provincial Secretary's Department. Secretary's Office.

Quebec, 29th March, 1904.

Clark Bell, Esq., M. D., Chairman Executive Committee and of Board of Executive Officers, 39 Broadway, New York, U. S. A.

Sir:—I have the honour to acknowledge the receipt of your letter of the 21st inst., and to inform you that I have much pleasure in accepting the position tendered me in connection with the Congress of 1904 of the American International Congress on Tuberculosis.

Yours very truly,

AMANDE ROBITAILLE,

Provincial Secretary.

Toronto, March 31st, 1904.

Sir:—I have the honor to acknowledge the receipt of your favor of the 21st inst., notifying the Hon. J. R. Stratton, Provincial Secretary of his appointment to the position of Honorary Vice-President of the Province of Ontario for the Congress of 1904.

I am directed by the Honorable the Minister to acknowledge the same with thanks, and to inform you of his cordial acceptance of the honor conferred upon him. I have the honor to be, Sir,

Your obedient servant,

CHAS. A. HODGETTS,

Secretary.

Clark Bell, Esq.,

Treas. and Chairman Executive Committee,
39 Broadway, New York.

Toronto, March 31st, 1904.

Sir:—I have the honor to acknowledge with thanks the receipt of your favor of the 21st inst., informing me of my appointment to the position of Honorary Vice-President for the Province of Ontario for the Congress of 1904.

It is with pleasure I accept the honor conferred upon me, and I sincerely trust that the coming Congress may very materially advance the cause of those who are honestly endeavoring to prevent the spread of what is now known to be "the white plague."

Again thanking you for the honor, believe me, with kind regards,

Yours truly,

CHAS. A. HODGETTS,

Secretary.

Clark Bell, Esq.,

Treas. and Chairman Executive Committee,
39 Broadway, New York.

The following action was taken by the Executive Board on March 17, 1904, upon the letter of Prof. Benedikt and other subjects:

OHIO.

Geo. Stockton, M. D., Supt. of the State Hospital for the Insane, at Columbus, Ohio, has been appointed a Vice-President for the State of Ohio, of the American International Congress. His letter of acceptance is as follows:

Columbus State Hospital,
Columbus, Ohio, April 26th, 1904.

Hon. Clark Bell, 39 Broadway, New York.

Dear Sir:—Your letter received this morning, and I feel very highly honored by being selected as one of the Vice-Presidents of the American International Congress on Tuberculosis.

Last year I had on our grounds a camp for the care of the tubercular insane. This was the first effort of the kind made in Ohio, to test the out of door treatment of this disease. I will take pleasure in forwarding you a report of the results we obtained, and I wish to say that they were so satisfactory to the board of trustees and myself that we are extending our plant this year very extensively. Last summer we had under treatment altogether about thirty-six cases (women). This year we expect to care for about fifty cases (females), and expect to erect two tents for men to accommodate about fifty-two men. Making allowance for the changes which necessarily take place in an institution of this kind, we will probably have over one hundred and fifty cases receiving the benefit of the out of door treatment.

If you happen to be in Columbus, I would take very great pleasure in showing you our camp.

It would be almost impossible for me to say just now whether I can attend the Congress, in St. Louis, in October, or not. I will make an effort to do so, however, and will let you know later on if I can contribute anything, in the way of a paper, for the meeting. The American Psychological Association meets in St. Louis the latter part of May, and I will probably attend that.

Thanking you very cordially for your courtesy, and the compliment extended to me, I remain

Very truly yours,

GEORGE STOCKTON.

MICHIGAN.

Delegates to the American International Congress on Tuberculosis, appointed by Hon. Aaron T. Bliss, Governor of Michigan:

Dr. Ernest L. Shurley, Detroit.
Dr. Oscar Le Seure, Detroit.
Dr. F. Lydston Newman, Detroit.
Dr. Charles T. McClintock, Detroit.
Dr. Charles G. Jennings, Detroit.
Dr. Lyman W. Bliss, Saginaw.
Dr. Joseph H. Cowell, Saginaw.
Dr. Victor C. Vaughn, Ann Arbor.
Dr. George Dock, Ann Arbor.
Dr. Oscar R. Long, Ionia.
Dr. Henry C. Maynard, Hartford.
Dr. B. D. Harison, Sault St. Marie.
Dr. J. B. Whinery, Grand Rapids.
Dr. Benjamin E. Horner, Lake Odessa.
Dr. H. J. Hartz, Detroit.
Dr. Louis J. Rosenberg, Esq., Detroit.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS, SEASON of 1903-1904.

Office of the Treasurer and Chairman Executive Committee,
39 Broadway, New York City.

New York, March 17, 1904.

At a meeting of the Executive Board of Officers, held this day, at the office of the Chairman of the Committee on Organization, it was unanimously

Resolved, That the names of Professor Adam H. Wright, M. D., of the University of Toronto, Editor of the Canadian Practitioner, and Dr. John Ferguson, M. D., Editor of the Canada Lancet, be and are hereby added to the Committee on Organization of the American International Congress on Tuberculosis.

It was also unanimously

Resolved, That to relieve Dr. Thomas Darlington, the President of the Board of Health of the City of New York from the clerical labors of the office of Secretary, to which he was unanimously chosen before his appointment by the Mayor of the City of New York to the Presidency of the Board of Health, under which great and arduous duties now fall upon him, that the names of Moritz Ellinger, Chairman of the Council, and Prof. Adam H. Wright, of the University of Toronto and Vice-President of the Congress, be and are hereby elected as Secretaries of the Committee on Organization to do the active work and relieve Dr. Darlington.

It was also unanimously

Resolved, That the name of Prof. Dr. Herman Kornfeld, of Gleiwitz, Silesia, be appointed an Honorary Vice-President of the Congress and that the President of the Congress and Committee on Organization be and are hereby empowered to appoint nine more Honorary Presidents on receiving their consents and not to exceed twenty-one additional names on the Committee on Organization.

The Chairman laid before the Committee the letter of Prof. Benedikt and the open letter accompanying the same received this day.

It was also unanimously

Resolved, That the offer to surrender the office of Honorary President therein contained only adds new lustre to the nobility of his character and that his re-election lends dignity and force to the American International Congress and that this action be sent to Prof. Benedikt.

Witness our hands:

E. J. BARRICK,

President.

CLARK BELL,

Chairman of Ex. Board and Comm. on Organization.

M. ELLINGER,

Chairman of Council.

SAMUEL BELL THOMAS.

Secretary.

RHODE ISLAND.

The Hon. Lucius F. C. Garvin, Governor of Rhode Island, accepts the position of Honorary Vice-President of the Congress, and announces that he will be present at the Sessions of the Congress in October and make a brief address.

THE COMMITTEE ON ORGANIZATION OF THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

The names recently announced on the committee are: Prof. Dr. Adam H. Wright, of the University of Toronto and Vice-President of the Congress for the Province of Ontario. Dr. John Ferguson, of Toronto, Editor of the Canada Lancet, and one of the foremost Canadian physicians who is also a Vice-

President for the Province of Ontario. Dr. Matthew M. Smith, of Austin, Managing Editor of the Texas Medical News, Secretary of the State Board of Medical Examiners, and who is a member of the Committee on Censorship of Papers for the Congress and of the Standing Committee on Sanatoria. Dr. Alfred E. Regensburger, of San Francisco, California, one of the Vice-Presidents for the State, and an old time member of the Medico-Legal Society.

COLORADO.

The Governor of Colorado, Hon. Jas. A. Peabody, accepts the Honorary Vice-Presidency of the Congress, and has requested the management to submit names for delegates.

The Governor of Colorado has appointed the following delegates to the American International Congress on Tuberculosis, to be held at St. Louis, October 3, 4 and 5, 1904:

- Dr. L. E. Lemon, 1742 California Street, Denver, Colorado.
- Dr. B. S. Galloway, 224 Majestic Building, Denver, Colorado.
- Dr. S. G. Bonney, 1437 High Street, Denver, Colorado.
- Dr. R. W. Corwin, Minnequa Hospital, Pueblo, Colorado.
- Dr. Hubert Work, Pueblo, Colorado.
- Dr. J. N. Hall, 308 Jackson Building, Denver, Colorado.
- Dr. C. A. Arnold, Colorado Springs, Colorado.
- Dr. C. H. Scott, Breckenridge, Colorado.
- Dr. R. F. Graham, Greeley, Colorado.
- Dr. Charles Denison, 1625 Logan Avenue, Denver, Colorado.
- Dr. H. C. Wetherill, 1632 Welton Street, Denver, Colorado.
- Dr. Frank N. Carrier, Canon City, Colorado.
- Dr. O. M. Gilbert, Boulder, Colorado.
- Dr. P. O. Hanford, Surgeon-General, C. N. G., Colorado Springs, Colorado.
- Dr. Wilbur T. Little, Canon City, Colorado.
- Dr. W. C. Mitchell, 609 California Building, Denver, Colorado.
- Dr. J. E. MacNeill, Clayton Block, Denver, Colorado.
- Dr. R. C. Robe, Pueblo, Colorado.
- Dr. Charles H. Wilkinson, Canon City, Colorado.
- Dr. A. L. Davis, Durango, Colorado.
- Dr. J. E. Courtney, 756 Ogden Street, Denver, Colorado.
- Dr. C. E. Cooper, Secretary State Board of Health, Denver, Col.
- Dr. Earl D. McGill, Wray, Colorado.
- Dr. Charles F. Andrew, Longmont, Colorado.
- Dr. Perry Jaffa, Trinidad, Colorado.
- Dr. E. A. Whitmore, Leadville, Colorado.
- Dr. H. R. Bull, Grand Junction, Colorado.
- Dr. A. P. Kendig, Rocky Ford, Colorado.
- Dr. H. S. Torrance, Cripple Creek, Colorado.
- Dr. J. C. Shipman, Sterling, Colorado.

TEXAS.

Owing to the fact the President of the State Medical Society was one of the officers of a rival organization and was actively opposing any Congress at St. Louis in 1904, he was not invited to name the medical delegates from that State. A committee was named, composed of the prominent officials

of the Congress from that State to nominate medical delegates from that great State. That committee reported, naming 41 delegates from Texas, who were notified, and asked if they would accept. Favorable replies have already been received from more than half the delegation; only one declination, and that for private reasons. When the replies are all in, the names of those accepting will be announced.

This plan will be followed in those States where the enemies of a St. Louis Congress are active, so that every State will be represented in the Congress by medical men of the highest standing.

The editor of this Journal has upon the invitation of the Committee, prepared a paper for the annual meeting of the State Medical Association of 1904, entitled "Prevention Legislation in Forensic Medicine."

NEBRASKA.

Dr. J. H. Tyndale, of Lincoln, Nebraska, one of the Vice-President at Large, writes: That he will attend the Congress at St. Louis, and that all is working harmoniously in that State for a great meeting in October at St. Louis.

IOWA.

Dr. A. M. Linn, ex-President of the State Board of Health of Iowa, who attended the annual meeting of the Congress in 1902, in New York, was elected one of the Vice-Presidents of this Congress at the annual meeting of June, 1903, and accepted.

He writes favorably as to an increasing interest in that State and an able delegation.

In the Congress of 1902 Iowa was most ably represented on the floor by Dr. J. J. Gibson, then State Veterinary Surgeon; Hon. J. M. Emmert, M. D., State Senator; Dr. J. G. Shrader, then President of the State Board of Health, all of whom are now Vice-Presidents of the Congress.

Iowa takes a deep interest in the subject and will be ably represented.

PATHOLOGICAL AND BACTERIOLOGICAL.

Prof. Dr. Von Shroen's paper on the Pathology and Bacteriology of Tuberculosis, the scope of which is illustrated best by the head notes of his subjects that will appear in another column of the Journal, with that of Prof. Dr. Benedikt's paper on the "Toxins of Tuberculosis," will present subjects

worthy of discussion by the ablest talent in Pathology and Bacteriology in our country.

Only the ablest students would be competent to discuss either of these papers, and these will be invited, or some of them.

The questions and problems presented by the eminent Genoese Professor, Edgardo Marigliano, as to vaccination against tuberculosis, now enter the arena of research, and the views of Behring and his followers are assailed.

We call upon all the actual workers; the students themselves in the laboratories, to take part in this discussion, quite irrespective of whether they are medical men or not.

Many of the best and most valuable observers are those men in the laboratories, who are and have been doing this work for our Boards of Health and private sanitariums. The very names of some of these are unknown. It is to these men we must look for the scientific discussion of these questions.

The opinions of the medical officials who employ them are not of value. It is the man of original study and research that must now come to the front and participate in the actual laboratory work needed to be done.

HONORARY PRESIDENTS.

Prof. Dr. Von Babe, of the Bacteriological Institute, at Bucharest, Roumania, one of the ablest authorities in their domain, has been elected an Honorary President of the American International Congress on Tuberculosis, and has accepted and will be present at the Congress next October.

HONORARY VICE-PRESIDENTS.

Prof. Dr. Herman Kornfeld, of Gleiwitz, Silesia, one of the honorary members of the Medico-Legal Society, takes a deep interest in Forensic Medicine. His specialty has been in mental medicine rather than in tuberculosis, but he is a student of medical jurisprudence and would be of value, as to prevention legislation and the germane questions. He contributed a paper to the Congress of 1902, and he has been named as honorary vice president for Silesia to the present Congress.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

To be held October 3rd, 4th and 5th, 1904, under the
auspices of the Universal Exposition, at St. Louis, 1904,
and of the American Congress on Tuberculosis.

Honorary Presidents :

Lay :

Hon. John Hay,
Hon. Gen. Russell A. Alger,
Hon. Ex-Judge A. H. Dailey,
Hon. Judge C. G. Garrison,
Hon. Stephen B. Elkins.

Medical :

Prof. Dr. M. Benedikt,
Dr. A. N. Bell,
Prof. Dr. Chas. H. Hughes,
Gen. Presley M. Rixey, M. D.
Gen. Nicholas Senn, M. D.

Officers :

President, E. J. Barrick, M. D., Toronto, Ontario.
First Vice-President, F. E. Daniel, M. D., Austin, Texas.
Second Vice-President, Ex-Chief Justice, L. Bradford
Prince, Santa Fe, N. M.
Third Vice-President, Dr. Charles K. Cole, Helena,
Montana.
Fourth Vice-President, Dr. Sofus F. Nelson, Pulman,
Wash.
Fifth Vice-President, Dr. A. M. Linn, Des Moines, Iowa.
Secretary, Samuel Bell Thomas, 116 Nassau St., New
York.
Treasurer, Clark Bell, 39 Broadway, New York.

Council :

Moritz Ellinger, Esq., Chairman.
J. Mount Bleyer, M. D., N. Y. City.
A. P. Grinnell, M. D., Vermont.
H. Edwin Lewis, M. D., Vermont.
Richard J. Nunn, M. D., Ga.
W. F. Drewry, M. D., Va.
M. K. Kassabian, M. D., Pennsylvania.
J. W. P. Smithwick, M. D., N. C.

New York, Sept. 21, 1903.

To the Officers, Delegates and Members of the American
Congress on Tuberculosis :

It affords the Executive Officers of the American Congress on Tuberculosis great pleasure to announce the reception of the following letters from the Government of the United States, Department of State :

"Department of State.

Washington, August 29th, 1903.

Clark Bell, Esq., Chairman of the Executive Committee of the American Congress on Tuberculosis, 39 Broadway, New York.

Sir:—Referring to the correspondence which the Department has recently had with you concerning the desire of the Committee on Organization of the proposed American Congress on Tuberculosis to be held at St. Louis, in October, 1904, to have this Government give its support to the invitation which the Committee has addressed to each American Government to be represented at the Congress, I enclose herewith a draft of an instruction to each diplomatic representative of the United States in the Western Hemisphere. The Department will be pleased to consider any changes in, or addition to the draft, you may suggest. I am, Sir,

Your obedient servant,

F. B. LOOMIS,
Assistant Secretary."

"Department of State,

Washington, Sept. 18, 1903.

Clark Bell, Esq., Chairman Executive Committee, American Congress on Tuberculosis, 39 Broadway, New York City.

Sirs:—I have to acknowledge the receipt of your letter of the 31st ult., and to inform you that the instructions to the Diplomatic Officers of the United States accredited to the Central and South American States, Mexico, Haiti and San Domingo have been sent in the language of the draft submitted to you on August 29th, but amended in the particular suggested in your letter under acknowledgment.

Instructions of the same tenor with regard to the British, French, Dutch and Danish Colonial Governments have gone to our Ambassadors at London and Paris, and our Ministers at the Hague and Copenhagen respectively.

In the hope that these instructions will result in a full representation by the American States and Colonial Governments at the Congress on Tuberculosis at St. Louis next year, I am, Sir,

Your obedient servant,

ALVIN A. ADEE,
Acting Secretary.

"Department of State.

Washington, November 3, 1903.

Clark Bell, Esq., Chairman, etc., American Congress on Tuberculosis, 39 Broadway, New York.

Sirs:—I have to acknowledge the receipt of your letter of the 28th ultimo, and to state in reply that this Department has no objection to your printing the correspondence it has had with you in regard to the American Congress on Tuberculosis and the instructions it sent to the diplomatic officers on the subject.

The text of the instructions to the diplomatic representatives to the American Republics, as printed in the proof which you submit, has been corrected to correspond with the text as sent.

I enclose, as you request, a copy of the instructions sent to Ambassador Choate. The instructions to France, Denmark and the Netherlands are *mutatis mutandis* in the same language.

The Department will advise you of the replies as they are received. I am, Sir,

Your obedient servant,

FRANCIS B. LOOMIS,
Assistant Secretary."

The Chairman of the Executive Committee felt that it was impossible to improve upon the admirably prepared proposed instructions, but suggested as an amendment the omission of a single clause in a portion of one sentence which the State Department concurred in, and the text of the instructions and accompanying papers as sent is as follows after the amendment suggested:

"Sir :—The Department is informed by Mr. Howard J. Rogers, Director of International Congresses of the Universal Exposition to be held in St. Louis in 1904, that the American Congress on Tuberculosis has been placed on its list of official Congresses and that the dates for said Congresses will be October 3, 4 and 5, 1904.

The Department is also advised by Mr. Clark Bell, Chairman of the Committee of Organization of the Congress, that the Executive Committee and Officers of the Congress have sent to the Government of each American Country an invitation for official representation by that Government, in the Congress; and the request is made of the Department to give such support to the invitation as it properly may.

The humanitarian object which this Congress has in view to reach, by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this dreadful disease which now falls with such terrible force and fatality upon the people of the Western Hemisphere, cannot but enlist the sympathy and approval of the Government to which you are accredited.

The Department will, therefore, be pleased to have you say to that Government that this Government is in entire sympathy with the work of the proposed Congress, and would be pleased to learn that the Government of.....took a like interest in its success by the acceptance of the Committee's invitation and the appointment of three or more scientific gentlemen to represent it at the Congress.

This Government would also be pleased if that of.....could find it convenient to comply with the request of the Committee to give the matter publicity in order that it may come to the knowledge of interested organizations and public spirited citizens of that country. I am, Sir,

Your obedient servant,

&c., &c.

This splendid expression of the Sympathy of the Government of the United States insures a cordial reception of our work in the nations of the Western Hemisphere.

The Governor of Missouri has made the appointment of thirty-six delegates to represent that great State at whose Chief City it will be the host of the delegates from all parts of the entire Western Hemisphere. The State Board of Health of that State has already named its delegates to that Congress.

The State Medical Society of Georgia has already selected and named its delegates to attend that Congress, and while this State had then no Board of Health steps have been taken to secure a suitable and representative delegation from a State that has been among the foremost in its support of the efforts of this body. The Governor of New Jersey has named delegates from that State.

The remaining Governors of the American States will also be invited and the invitation has been delayed until the Government of the United States has taken this splendid and sympathetic action, which evinces and illustrates the paternal policy of our Government in aiding every effort for the protection of the health and the lives of our people when menaced from any form of disease that Science has found to be communicable and preventible.

We assure you that every indication now points to a great meeting at the session of the American Congress on Tuberculosis at the World's Fair at St. Louis in October, 1904, and we invite the co-operation of every philanthropic mind and the accession of men of the Medical profession as well as those of the law, Judges, Jurists and students of every branch of scientific inquiry who can in any way aid in securing preventive legislation in aid of our work.

E. J. BARRICK, M. D., President.

CLARK BELL, Chairman Executive Committee and Board of Officers.

MORITZ ELLINGER,

SAMUEL BELL THOMAS, Sec'y. Chairman of Council.

UNIVERSAL EXPOSITION, St. Louis, 1904.

Office of the Chairman Committee on organization International Congress on Tuberculosis, D. R. Francis, President, Howard J. Rodgers, Director of Congresses.

New York, Dec. 1, 1903.

Dear Colleague :—The Management of the World's Fair Universal Exposition at St. Louis, 1904, has appointed a Committee on Organization selected from prominent members and officials of the American Congress on Tuberculosis since the preceding announcement was made, of which the undersigned was made Chairman, for the purpose of organizing an International Congress on Tuberculosis, to be held at the same time and place at St. Louis, 1904, under the auspices of the Universal Exposition, at St. Louis, 1904, of the American Congress on Tuberculosis.

The Governor of the State of Missouri has appointed 35 delegates; Minnesota, 15; Montana, 36; New Jersey, 14; West Virginia, 35; and the Governors of other States write that they will do so.

Of Foreign Governments we are advised by the Secretary of State of the United States that the following Governments have accepted and will name delegates, viz: Ecuador, Guatemala, Honduras, Venice, San Domingo; and that all the Governments in the Western Hemisphere have received the invitations and instructions as sent by the American Ambassadors and Ministers. The Committee on Re-organization met on Nov. 10, 1903, and organized an International Congress on Tuberculosis, and elected officers as heretofore announced, with a few exceptions of gentlemen who had declined, and arranged for the Standing Committees and adjourned to meet in the near future, after considering the questions of enlarging the Committee on Organization, the Honorary Presidents, and whether the European, Asian and African countries should be advised to send representatives.

Very faithfully yours,

CLARK BELL,

Chairman Executive Committee and of Board of Executive Officers.

UNIVERSAL EXPOSITION, ST. LOUIS, 1904.

INTERNATIONAL CONGRESSES.

American International Congress on Tuberculosis.

Office of the Chairman Committee on Organization, and of the
Board of Executive Officers, 39 Broadway, New York City.

New York, April 30, 1904.

To the Members of the Medico-Legal Society,

Active, Honorary and Corresponding, and to the Members of the
Various Sections of the Society:

The management of the American International Congress on
Tuberculosis have invited the Medico-Legal Society to sit in joint
session, with this body, at the approaching session of the Congress
at St. Louis, October 3rd, 4th and 5th proximo, as has been done
since the American Congress on Tuberculosis was founded under
the auspices of the Medico-Legal Society in 1900.

The invitation has been accepted.

Every member of the Society has thus the right to become a
member of the Congress, contribute to its labor on paying a mem-
bership fee of \$1.00, which entitles them to the privilege of the
Congress and to a seat and vote.

Those who desire to avail themselves of this privilege will please
send names and addresses and remit \$1.00, will receive a mem-
ber's certificate, which extends to members of the Section and to
all members.

Those wishing to contribute papers, take part in the discussion,
or serve on any of the Standing Committees, will advise the officers
as early as possible. Titles of papers with an abstract of same for
use of Committee on Censorship of Papers, should be forwarded as
early as possible to insure a place on the programme.

Respectfully,

E. J. BARRICK, President.

MORITZ ELLINGER,

Chairman of Council.

CLARK BELL,

Chairman Committee on Organi-
zation of Executive Committee.

SAM'L BELL THOMAS,

Secretary.

HONORARY VICE-PRESIDENTS OF THE ST. LOUIS CONGRESS.

As we go to press we received the notice of acceptance of the
position of Honorary Vice-President of

Prof. Dr. Carl Fluegge, Prof. of Hygiene and Director of the
University of Breslau, in Germany, and Privy Medical Councillor,
who will contribute a paper to the Congress.

Prof. Dr. Josef Korosy, Director of the Statistical Bureau, Buda
Pesth, Hungary.

VICE-PRESIDENTS FOR STATES.

Major Jas. Evelyn Pilcher, U. S. A., L. H. D., Editor Journal of the
Association of Military Surgeons, Carlisle, Pa., for the State of
Pennsylvania.

Dr. August C. Kinney, Vice-President for Oregon, Astoria, Oregon.

AMERICAN CONGRESS ON TUBERCULOSIS.

OFFICERS FOR 1903-4.

Elected June 10, 1903.

HONORARY PRESIDENTS:

LAY.

HON. JOHN HAY,
Sec'y of State, Washington.
HON. GEN. RUSSELL A. ALGER,
Ex-Sec'y of War and Senator
from Michigan, Detroit.
HON. EX-JUDGE A. H. DAILEY,
Ex-Pres. Medico-Legal Soc'y,
Brooklyn, N. Y.
HON. JUDGE C. G. GARRISON,
Supreme Court, New Jersey,
Camden, N. J.
HON. STEPHEN B. ELKINS,
Senator, State of
Washington, D. C.

MEDICAL.

PROF. DR. MAURICE BENEDIKT,
Vienna, Austria.
DR. A. N. BELL,
Editor The Sanitarian, Brook-
lyn, N. Y., Ex-Pres. Am.
Con. on Tuberculosis.
PROF. CHARLES H. HUGHES,
Editor Alienist and Neurolo-
gist, St. Louis, Mo.
GENERAL PRESLEY M. RIXIE,
Surgeon-Gen. U. S. Navy,
Washington, D. C.
GENERAL NICHOLAS SENN,
Surgeon General,
Chicago, Ill.

PRESIDENT—E. J. BARRICK, M. D., Toronto, Ontario.
FIRST VICE PRESIDENT—F. E. DANIEL, M. D., Austin, Texas.
SECOND VICE PRESIDENT—L. BRADFORD PRINCE, Santa Fe, N. M.
THIRD VICE PRESIDENT—DR. CHAS. K. COLE, Helena, Mont.
FOURTH VICE PRESIDENT—DR. SOFUS B. NELSON, Pullman, Wash.
FIFTH VICE PRESIDENT—DR. A. M. LINN, Des Moines, Iowa.

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W. F. DREWRY, M. D., Petersburg, Va.	RICHARD J. NUNN, M. D., Savannah, Ga.
A. P. GRINNELL, M. D., Burlington, Vt.	J. W. P. SMITHWICK, M. D., La Grange, N. C.
MIHRAN K. KASSABIAN, M. D., Philadelphia, Pa.	

SECRETARY:

SAMUEL BELL THOMAS, ESQ., 32 Nassau Street, New York.

TREASURER:

CLARK BELL, ESQ., 39 Broadway, New York.

VICE PRESIDENTS-AT-LARGE:

DANIEL CLARK, M. D., Toronto.	DR. JOHN H. SIMON, Health Com., St. Louis, Mo.
CHARLES G. HICKS, M. D., Dublin, Georgia.	ALEXANDER MACK M. D., Hawkinsville, Ga.
WM. BAYARD, M. D., St. John, N. B.	COL. E. CHANCELLOR, M. D., St. Louis, Mo.
H. EDWIN LEWIS, M. D., Burlington, Vt.	WM. F. BRUNNER, M. D., Savannah, Georgia.
A. C. BERNAYS, M. D., St. Louis, Mo.	T. D. CROTHERS, M. D., Hartford, Conn.
J. MOUNT BLEYER, M. D., New York City.	HON. MORITZ ELLINGER, New York City
T. M. MCINTOSH, M. D., Thomasville, Ga.	DR. R. W. POWELL, Ottawa.
JUAN A. FORTICH, M. D., Cartagena, Colombia, S. A.	WM. H. MURRAY, M. D., Plainfield, N. J.
R. F. GRAHAM, M. D., Greely, Colorado.	EX-SEN. HENRY D. WINTON, Hackensack, N. J.
A. P. GRINNELL, M. D., Burlington, Vt.	J. A. MCNEVEN, M. D., Gibbonsville, Idaho.
CAPT. H. D. SNYDER, M. D., Governor's Island, N. Y.	A. E. OSBORNE, M. D., Santa Clara, Cal.
THOS. BASSETT KEYES, M. D., Chicago, Ill.	J. C. SHRADER, M. D., Iowa City, Iowa.
LUIS H. LABAYLE, M. D., Leon, Nicaragua	J. H. TYNDALE, M. D., Lincoln, Neb.
LOUIS LEROY, M. D., Nashville, Tenn.	T. L. BARBER, M. D., Charleston, W. Va.
DR. EDOUARD LICEAGA, City of Mexico.	C. S. WARD, M. D., Warren, Ohio.
DWIGHT S. MOORE, M. D., Jamestown, N. Dak.	PROF. S. H. WEEKS, M. D., Portland, Maine.
REV. C. S. EBY, D. D., Bracebridge, Ont.	DR. W. H. MOOREHOUSE, London, Ont.
DR. W. F. MORROW, Kansas City, Mo.	DR. W. P. CAVAN, Toronto.

HONORARY VICE-PRESIDENTS.

From the States, Territories and dependencies of the American Union.

Alaska—Hon. John G. Brady, Governor, Sitka.
Arizona—Hon. N. O. Murphy, Ex-Governor of the Territory.
California—Hon. George C. Pardee, Sacramento.
Colorado—Hon. James H. Peabody, Denver.
Georgia—Hon. L. E. Bleckley, Ex-Chief Justice, Atlanta.
 Hon. Allen D. Candler, Ex-Governor, Atlanta.
Idaho—Hon. Frank W. Hunt, Ex-Governor, Boise City.
Iowa—Hon. Albert B. Cummins, Governor.
Kansas—Hon. W. E. Stanley, Ex-Governor, Topeka.
Kentucky—Hon. J. C. W. Beckham, Governor, Frankfort.
Maine—Hon. John F. Hill, Governor, Augusta.
Michigan—Hon. Aaron T. Bliss, Governor, Lansing.
Minnesota—Hon. S. R. Van Sant, Governor, St. Paul.
Mississippi—Hon. A. H. Longino, Ex-Governor, Jackson.
Missouri—Hon. Alex. M. Dockery, Governor, Jefferson City.
Montana—Hon. Joseph K. Toole, Governor, Helena.
Nebraska—Hon. E. T. Savage, Ex-Governor, Lincoln.
New Hampshire—Hon. C. B. Jordan, Ex-Governor, Ludlow.
New Jersey—Hon. Franklin Murphy, Governor, Trenton.
New Mexico—Hon. Miguel A. Otero, Governor, Santa Fe.

North Carolina—Hon. Charles B. Aycock, Governor, Raleigh.
Pennsylvania—Hon. Wm. A. Stone, Ex-Governor, Harrisburg.
Rhode Island—Hon. Lucius F. C. Garvin, Providence.
South Carolina—Hon. M. B. McSweeney, Ex-Governor, Columbia.
South Dakota—Hon. Charles N. Herried, Governor, Pierre.
Tennessee—Hon. Benton McMillin, Ex-Governor, Nashville.
Texas—Hon. Joseph B. Sayres, Ex-Governor, Austin.
Utah—Hon. Heber M. Wells, Governor.
Vermont—Hon. William W. Stickney, Ex-Governor, Montpelier.
Virginia—Hon. A. J. Montague, Governor, Richmond.
Washington, D. C.—Hon. David J. Brewer, U. S. Supreme Court.
West Virginia—Hon. A. B. White, Governor, Charleston.
Wyoming—Hon. Deforest Richards, Ex-Governor, Cheyenne.
Cuba—Hon. Leonard Wood, M. D., Ex-Military Governor, Havana.

HONORARY VICE-PRESIDENTS.

From the Dominion of Canada.

Hon. A. G. Blair, Ex-Minister of Railways and Canals, Ottawa.
 Hon. Senator George A. Drummond, Ottawa.
 Hon. William S. Fielding, Minister of Finance, Ottawa.
 Sir William Hington, M. D., Montreal.
 W. C. Edwards M. P., President Canadian Association for the Prevention of Tuberculosis, Ottawa.
 Dr. F. Montizambert, Director of the Public Health, Ottawa, Canada.
 Hon. T. G. Roddick, Montreal.
 Hon. J. R. Stratton, Colonial Secretary, Toronto.
 Prof. James Loudon, President of the University of Toronto.

From the Provinces of the Dominion of Canada.

British Columbia, Hon. Henry G. Joly de Lotbiniere, Lieut. Governor, Victoria.
New Brunswick—Hon. J. Bunting Snowball, Lt Governor, St. John, N. B.
New Foundland—Hon. Sir Cavendish Boyle, Colonial Governor, K. C. M. G., St. Johns.
North West Territories, Hon. A. Forget, Lieut. Governor, Regina.
Nova Scotia, Hon. A. G. Jones, Lieut. Governor, Halifax.
Ontario.—Lieut.-Gov. Hon. W. Mortimer Clark, Toronto.
Quebec.—Hon. A. Robitaille, Provincial Secretary, Quebec.

From Mexico.

Hon. Theodoro A. Dehesa, Governor of Vera Cruz, Jalapa, Mexico.
 Dr. Daniel Vergesa Lope, Mexico.

From Central and South America.

Argentine Republic—Dr Emilio, H Coni, Calle Lavalle 859, Buenos Aires.
Brazil—Hon. J. de Assis, Brazilian Minister, Washington, D. C.
 Prof. Dr. Nina Roderiguez, Bahai.
Costa Rica—Juan J. Ulloa, Consul General, 66 Beaver St., N. Y. City.
Peru—Dr. Manuel Alonzo Calderon, Peruvian Minister; Dr. E. Campodonico, Jr., Espaderos 235, Lima.
Republic of San Domingo—Hon. Juan Isidro Jimines, Ex-President, Santo Domingo.
Uruguay—Dr. Louis Alberto Herrera, Charge-de-affairs at Washington, D. C.

From Europe.

By reason of the contributions made and forwarded by eminent men from Europe, in 1902, the following were re-elected Honorary Vice Presidents of the Congress at the annual meeting of 1903:

Austria—Prof. Dr. Moritz Benedikt, of Vienna.
Denmark—Prof. Dr. Niles R. Finsen, of Copenhagen.
Silesia—Prof. Dr. Herman Kornfeldt, of Gleiwitz.

Dr Wm. Livet, of Paris, France, was elected Vice President from France; he having enrolled as a member of the Congress and contributed a valuable paper.

VICE-PRESIDENTS.

From the States of the American Union.

- Alabama*—W. H. Blake, M. D., Sheffield; Dr. R. M. Cunningham Ensley; John C. LeGrande, M. D.
- Alaska*—Hon. Governor C. D. Rogers, Juneau; Dr. Park Winter Stewart, Nome City.
- Arkansas*—Dr. H. C. Dunavant, Little Rock.
- Arizona*—John C. Herndon, Esq., Attorney-at-Law, Prescott; Dr. Jones Tempe, Prescott.
- California*—Alfred E. Regensburger, 14 Grant Avenue, San Francisco; Hon. A. Reuf, San Francisco; Dr. P. C. Remondino, San Diego; Dr. A. K. Foster, Secretary, Board Health; Dr. Winslow Anderson, San Francisco; Dr. S. M. Pottinger, M. D., Prof. Norman Bridge, Los Angeles.
- Colorado*—Dr. Charles C. Rice, Pueblo.
- Connecticut*—Hon. James P. Bree, State Senator.
- Delaware*—Dr. W. S. Hancken, Farnhurst.
- Florida*—J. Harris Pierpont, M. D., Pensacola; Dr. J. Dewitt Webb; R. D. Murphy, Key West.
- Georgia*—Hon. T. B. Fetter; Dr. H. McHatton, Macon; Dr. Arthur A. Van Dyke, Atlanta; Charles Hicks, Dublin, Ga.
- Hawaii*—W. O. Smith and C. B. Cooper, M. D., of Honolulu; B. D. Bond, Esq., Kohala.
- Idaho*—Dr. J. B. Morris, Lewiston; Dr. William F. Smith, Mountain Home; Mr. Charles L. Joy, Boise City.
- Illinois*—Dr. Denslow Lewis, Dr. W. E. Quine, Chicago; Hon. N. O. Nelson, Edwardsville; Dr. Henry B. Favill, Chicago; S. C. Fairbrother, East St. Louis.
- Indiana*—Dr. George T. McCoy, Columbus; Flavius J. Van Vort, Esq., Indianapolis; T. Henry Davis, Richmond.
- Iowa*—J. J. Gibson, M. D., Ex-State Veterinary Surgeon, Denison; Hon. J. M. Emmert, M. D., State Senator, Atlantic.
- Kansas*—W. E. McVey, M. D., Topeka.
- Kentucky*—Prof. Frank C. Wilson, M. D., Louisville.
- Louisiana*—Dr. Felix Fermente, 135 Esplanade Ave., Prof. Dr. J. B. Elliott, Morris Building, Dr. P. G. Archinard, all of New Orleans.
- Maine*—Prof. F. N. Whittier, M. D., Brunswick; Hon. L. A. Emery, Ellsworth, Professor of Medical Jurisprudence; Dr. A. G. Young, Augusta; Dr. Alonzo Garcelon, Lewiston.
- Maryland*—Dr. Hampson Jones, William Lee Howard, M. D., Baltimore.
- Massachusetts*—Dr. Henry O. Marcy, Boston; Dr. J. H. McCullom, South Division Boston City Hospital, of Boston; Dr. George W. Grover, Sheffield.
- Michigan*—Hon. Henry A. Heigh, Detroit; John H. Kellogg, M. D., Battle Creek; Clarence A. Lightner, Esq., Detroit.
- Minnesota*—Dr. H. Longstreet, Taylor, St. Paul.
- Missouri*—Dr. C. Bark, Dr. Leonidas H. Laidley, both of St. Louis. Dr. A. W. McAlester, Columbia; J. Wood Fassett, M. D., St. Joseph, Mo.
- Montana*—John C. Clayberg, Esq., Helena; John A. Donovan, M. D., Butte; Donald Campbell, M. D., Butte; Thos. J. Murray, M. D., Butte.
- Nebraska*—Dr. Wm. O. Bridges, 302 Bee Building, Omaha; Dr. Emmett Giffen, Richards Block, Lincoln; Elmer J. Burkett, Esq., Lincoln.
- New Hampshire*—Dr. G. P. Conn, Concord; Hon. J. W. Fellows, Manchester.
- New Jersey*—Fred. L. Hoffman, Esq., Newark; Ex-Senator H. D. Winton, Hackensack.

- New Mexico*—Dr. Francis Crosson, Albuquerque; Dr. C. G. Duncan, Socano, Surgeon E. N. Carrington, M. H. S., Fort Stanton, New Mexico, delegate from the Marine Hospital Service, U. S. Government.
- New York*—Clark Bell, Esq., LL. D., New York City; Dr. Ernst J. Lederle, Ph. D., President of the Board of Health of the City of New York; Dr. John Vanderpoel, 36 West 39th Street, New York City.
- North Carolina*—Dr. A. W. McAlister, Columbia; Dr. J. L. Nicholson, Richland; Dr. William L. Dunn, Asheville.
- North Dakota*—Dr. Dwight Shumway Moore, Jamestown.
- Ohio*—Hon. Joseph Outhwaite, President Ohio Society for the Prevention of Tuberculosis, Columbus.
- Oregon*—Dr. August C. Kinney, Astoria.
- Pennsylvania*—Dr. J. W. C. O'Neal, Gettysburg; Dr. M. K. Kassabian, Philadelphia.
- Rhode Island*—Charles V. Chapin, M. D., Providence.
Dr. George F. Keesey, Howard.
- South Carolina*—George R. Dean, M. D., Spartanburg.
- Tennessee*—Dr. J. D. Plunkett, Nashville; R. F. Spragins, Esq., Jackson.
- Texas*—M. M. Smith, M. D., Judge Yancy Lewis, both of Austin; Dr. Dr. J. P. Sessions, Rockdale; Dr. Samuel R. Burroughs, Buffalo; Dr. John F. Moore, Galveston; Dr. E. T. Bennett, Austin.
- Utah*—Dr. Martha Hughes Cannon, Salt Lake City; Dr. H. A. Anderson, Salt Lake City; Dr. Geo. W. Baker, Ogden; Col. Willard Young, Salt Lake City.
- Vermont*—Dr. C. S. Caverly, Rutland; Hon. Fletcher Proctor, Proctor; Dr. — Wiltose, Burlington.
- Virginia*—George Ben Johnson, M. D., Richmond; Dr. W. F. Drewry, Petersburg; Dr. Paulus A. Irving, Richmond.
- Washington, D. C.*—Surgeon Preston H. Bailhache, U. S. M. H., delegate from the U. S. Government; Surgeon W. C. Brasted, U. S. Navy, delegate from the U. S. Government; Captain Henry D. Snyder, M. D., U. S. Army delegate from the U. S. Government to the Congress, Washington, D. C.
- Washington*—Sofus B. Nelson, Veterinarian, Washington Agricultural Experiment Station, Pullman; Hon. I. M. Byrne, Mayor of Spokane; Dr. Parke Winke, Seattle.
- West Virginia*—Wm. W. Golden, Elkins, Secretary Medical Society of the State of West Virginia; T. L. Barber, M. D., Charleston; I. N. Houston, M. D., Mountsville.
- Wisconsin*—Hon. Alvin C. Brager, Milwaukee; Dr. G. A. Richie, 788 College Avenue, Appleton; Dr. Moses J. White, Milwaukee; Dr. Charles Oviatt, Oshkosh; Dr. Hugo Philler, Waukasha.
- Wyoming*—John W. Lacey, Esq., Cheyenne; Dr. R. Harvey Reed, Rock Spring; Dr. G. G. Verbryck, Cambria.
- Cuba*—Dr. F. F. Falco, Editor *Cultura Latina*, Havana; Dr. Fernando de Ybarra.
- Porto Rico*—William Fassett Smith, M. D., Secretary Superior of Board of Health, San Juan; Dr. P. J. Salicrup, Ponce.
- From the Canadian Provinces.*
- British Columbia*—C. J. Fagan, M. D., Secretary Provincial Board of Health, Victoria; Rev. Leslie Clary, Victoria; Dr. S. T. Turnstale, Vancouver.
- Manitoba*—Mayor John Arbuthnot, Dr. H. H. Choun, J. A. M. Aikens, all of Winnipeg.
- New Brunswick*—Charles J. Coster, M. D., St. John; Dr. Peter Robinson Inches, St. John; Mayor W. W. White, St. John.
- Northwest Territory*—Dr. J. D. Laferty, Calgary; Dr. G. D. Kennedy, McLeod; Rev. Dr. J. C. Herdman, Calgary.

Ontario—Dr. Wm. Oldright, delegate from the Government of Ontario, Toronto; Dr. Albert Macdonald, Toronto; Dr. J. A. Robertson, Stratford; Mayor Adam Beck, London; Dr. John Ferguson, Toronto; Henry O'Brien, Esq., K. C., Toronto.

Prince Edward Island—Dr. Robert McNeill, Rev. Thos. F. Fullerton, Dr. Stephen R. Jenkins, all of Charlottetown.

Quebec—Dr. E. P. Benoit, Dr. J. B. McConneil, Mayor James Cochran, all of Montreal.

From Central and South America.

Argentine Republic—Dr. Samuel Gache, 129 Calle Corrientes, Buenos Aires; Dr. Francisco de Veyga, Calle Lavalle 859, Buenos Aires; Dr. Ernesto Quesada, Buenos Aires.

Bolivia—Signor Ignacio Calderon, La Paz; Hon. R. D. Barber, U. S. Legation, La Paz.

Brazil—Dr. Joas Mattheas, Professor of Hygiene, Bahia; Dr. Pedro E. de Cerqueira, Lima, Bahia; Dr. Joaquin Pires Muniz de Carvalho, Advocate, Bahia.

Guatemala—Senor Rafael Montufar, City of Guatemala.

Hayti—Gen. J. A. Bordes, Jeremie; Dr. Borno, Port-au-Prince, Dr. John B. Terres, Port-au-Prince.

Mexico—State of Xalapa—Dr. Enrigne Herrera, Xalapa.
Dr. Lewis Espanosa, "
Dr. Sebastian Canovas, "

Peru—Dr. Manuel Barrios, M. D., Bahia; Don Pedro Gallagher, President Public Beneficent Society, Lima.

San Domingo—Alexander Wos y Gil, ex-Charge d'Affairs, Santo Domingo; Dr. Lyon, Santo Domingo; Dr. Henriques y Carvagal, Santo Domingo.

From Central and South American Governments.

Guatemala—Dr. Joaquin Yela, Consul General at New York.

Costa Rica—Juan J. Ulloa, Consul General at New York.

Uruguay—Dr. Louis A. Herrera, Legation of Uruguay, Washington, D. C.

Hayti—Louis J. Nicholas, La Cayas.

Mexico—Dr. D. V. Lope, Mexico.

JOURNALS AND BOOKS.

THE AMERICAN YEAR-BOOK OF MEDICINE AND SURGERY FOR 1904. A Yearly Digest of Scientific Progress and Authoritative Opinion in all Branches of Medicine and Surgery, drawn from journals, monographs and text-books of the leading American and foreign authors and investigators. Arranged, with critical editorial comments, by eminent American specialists, under the editorial charge of George M. Gould, A. M., M. D. In two volumes. Volume I, including General Medicine. Octavo, 673 pages, fully illustrated; Volume II, General Surgery. Octavo, 680 pages, fully illustrated. Philadelphia, New York, London: W. B. Saunders & Co., 1904. Per volume: Cloth, \$3.00 net; Half Morocco, \$3.75 net.

The American Year-Book of Medicine and Surgery continues to maintain its high place among works of its class. Indeed, the issue of 1904, now before us, if anything, is even better than the excellent issues of previous years. Such a distinguished corps of collaborators which the editor, Dr. George M. Gould, has enlisted as his assistants is sufficient guarantee that the essential points of progress are brought out, and the collaborators' notes and commentations are excellent. In the illustrative feature the 1904 issue fully maintains its reputation, there being fourteen full-page insert plates, beside a number of excellent text-cuts. We pronounce Saunders' Year-Book for 1904 the best work of its kind on the market, as it has always been.

THE MYSTERIOUS BEGGAR, by Albert A. Day, Esq. J. S. Ogilvie, Publisher, 57 Race Street, New York. (1904.)

Mr. Day does a good work in calling the public attention to great evils by means of his story. Dickens, Sue, DeKock and the great Hugo, recognized this means of probing and arousing the popular heart to the highest philanthropic effort. Of course the story should be founded on facts. It would not otherwise reach the heart, or sway men and women to action.

We quote from Mr. Day's book a short extract of one of the victims of a wife beater. (pp. 188 to 191).

"Insensibility came, once more, to the poor creature's relief; and then her limp, flaccid form settled passively away from this brutal contact.

Releasing now the inanimate body, he stood up, the better to contemplate his devilish achievement. Not a hint of remorse or regret offered on that demon face. It was marked, rather, by a yet unsatisfied vengefulness.

Her head lay forward upon the table. Presently the white-smear'd disfigured face, slowly turned upward; the mouth fell partially open, and a gasp escaped like a fluttering soul from a dying breast.

Was she dead?

His heart quaked with a sickly trepidation.

He touched her, now with hesitated hand; and at the contact as though even inanimate, she would shun him, the limp passive form slid from table and chair; then, settling like a solemn accusation, sank slowly upon the floor.

Thoroughly stricken now with fear, he sprung away. Transferring the key to the outside, he closed and locked the door behind him. Then he fled abjectly; forgetting in the haste of his craven departure, to remove and take the key with him.

Stumbling along confusedly toward the descent, he reached the stairway at the moment corresponding to the passing, at that point,

of a policeman with the corpse of the child. He jostled blindly against the officer, fairly thrusting his bleary, puffy eyes into the dead upturned face of the miserable infant. Then he recoiled with new terror and more curses, and again plunged forward in another direction, losing himself finally in the crowd which idly followed to gloat upon this sickening spectacle.

But this "woman-beater" was still the coward. They are all and always cowards.

And now terror took possession of his craven heart, lest he had, this time indeed, crushed and extinguished the throb of life beyond resuscitation.

O God, that Thou canst delay Thy vengeance!

Witness forever against him, ye hurt bleeding lips, appealing upward!

Behold the glossy disorder of that marvelous hair, sweeping dishevelled across the table! Hands, which can no longer supplicate for mercy—mercy that never yet has been shown, though so often they have been raised in appeal, asking it—now falling, nerveless, downward!

With all her faults is she not white in her dying soul, as compared with the now shrinking dastardly blot, that has so smirched her life? Why is he yet permitted to remain, throwing his dark dishonoring shadow across her helpless stricken form? What ingenuity of conceit can contrive an adequate and fitting punishment for such monstrous atrocity!

Nevertheless, it is such travesty upon every attribute of manhood; it is such bruting of lowest brutality; it is such excess of fiend-heartedness that, saith the great State of New York, through its honorable majority of members, in Legislature assembled, must not be punished—coropreally! Shall be dealt with, only as a case of common assault!

[We are thankful, in this behalf, to note the superior wisdom of Maryland. This State has discovered the only sure and certain measure of restraint for cowardly wife-beaters. It is a method which appeals through their cringing cuticles. The Legislature of that Commonwealth, the way suggested, had the independence, not to say the common sense, after rejecting foolish argument about a "return to barbarism," to authorize a public whipping-post for such iniquity. There it is that a discretionary number of cuticular remonstrances, well scourged on, serve a fitting future dissuader, for such untamed brutality. If this is "barbarism revived," then we would revive it to meet barbarity!

The fellow is then sent back to provide, as he should, for the support of his family. If he presumes to repeat the cruelty, the Court is presumed to repeat the dose; probably with such admonitory increase as abundantly certifies the purpose.

The law which imprisons for this offense, has not served the desired end. Furthermore, such a disposition not only leaves the wife with a mutilated body, but adds new hardship to what already has been suffered. It compels the Court to say (in effect) to the woman, "You have suffered cruelty, but we must add to your misery. The law directs that we now deprive you of your husband's support. We are about to shut him up; and you must go, therefore, and take care of yourself and little ones for the next ninety days, or starve."*]

*NOTE.—A bill to revive the whipping-post for wife-beaters only, was very lately proposed in the New York Legislature. The author of this book was called upon for reports of cruelty to wives, at the hands of their husbands. He gave many, instancing the most atrocious brutality. Nevertheless the measure was opposed, and finally defeated, as being a "return to methods of barbarism."

NERVOUS DISEASES, by Dr. F. Savary Pearce, of Philadelphia. D Appleton & Co. (1904). Dr. Pearce, who holds the chair of Nervous and Mental Diseases, in the Medico Chururgical College, of Philadelphia, which he calls "A Practical Treatise" and announces that it is intended "for the Medical Student and the General Practitioner."

He dedicates his work to his personal friend, Dr. S. Weir Mitchell, and whose kindness and sympathetic friendly aid is abundantly illustrated in the work itself.

The work is profusely illustrated, which is a great addition to its practical use and value, both to the student and the general practitioner.

He has drawn freely on other authors, notably on Prof. Isaac Ott in relation to Psychological Studies; Dr. Pearce Bailey, on Accident and Injury; Dr. G. R. Butler, on Diagnostics of Internal Medicine; Drs. M. K. Kassabian and G. E. Pfahler, on X Ray Phenomena and credits authorities like Gowers, Mills, Dana, Strumfeld and others whom he always credits fully. This should not surprise any properly trained mind, but we are in times when compilers, without the slightest, or but meagre knowledge, and only such as is gleaned from books, write learnedly on themes of great public interest concerning which they have neither knowledge, or experience, selecting the views of the ablest workers, without any pretense of credit to the author whom they quote. Dr. Pearce is a thorough student of the subjects he treats, and when he does use the best thoughts of the abler men in any special subject it is for the purpose of education, enlightenment, and never without the fullest recognition and proper credit where it belongs.

While the work will be useful to the general practitioner, especially those not specialists in nervous diseases, for the researches and care with which the author has treated the particular theme, its highest excellence and value will be for the students of medicine in general. Rarely have we seen a work on a specialty that has seemed to be of greater value to the medical student than this.

THE ART OF CROSS EXAMINATION. By Francis L. Wellman, Esq., of the New York Bar. MacMillan Co., N. Y., (1903.)

Mr. Wellman's contribution to the Bar, of this admirable book, has met with great favor, because few men of the Junior Bar of the City of New York, had greater and more favorable opportunity of drawing on their own experience, as to the finer details of the Science of Cross Examination than had he in his practice in the Criminal Courts, which commenced with the office of District Attorney of our city.

The experience of Mr. Wellman, no doubt, justifies quite fully the use of the quotation with which he opens his work:

"The issue of a cause rarely depends upon a speech, and is but seldom even affected by it. But there is never a cause contested, the result of which is not mainly dependent upon the skill with which the advocate conducts his cross examination."

Mr. Wellman is quite correct in his description of the manner of the conduct of Trials in New York City in his time.

He never heard John Graham in his prime, nor Martin Grover, nor James T. Brady, nor John Van Buren, speak in defense of a prisoner in a capital case.

There have been no great orators at our New York City Bar since James T. Brady died. Oratory is never used by the great advocates any more in our day. The Bench tabooes it, except in the country counties of the State, and then but rarely is it attempted.

Col. Fellows was sometimes an orator that may have been classed as great in the power of oratory, but Mr. Wellman never met him as an opponent.

When the writer was a law student and young lawyer in Steuben County, Martin Grover was at every circuit, one county after another in that Judicial District, and on either one side or the other of every important cause—called in always as counsel (after the English method) on the spur of the moment, without previous knowledge of the facts of the case and he rarely, if ever, lost one. His power of eloquence was indescribable. No man I ever heard at the New York Bar, save John Graham, John Van Buren or James T. Brady, were even comparable to him. No man at our Bar in the last quarter of a century was half way his peer.

The earlier triumphs of Wm. A. Beach, in great jury trials, of John K. Porter, of the Wordens of Ontario, and of Peck, in the Genesee District, were and are memories now only.

Mr. Wellman does not exaggerate the value of, nor the importance of cross examinations as a science.

Mr. Wellman does not attach too much importance to the "manner" of conducting a cross examination by counsel. Extreme politeness and apparent frankness and ingeniousness is of enormous value and importance with Court, with witness and with jury. Even with a perjured witness it is safer to trust to the polite and courteous cross examiner to expose him than the other sort.

Mr. Wellman's chapter on the cross examination of experts is valuable.

No greater mistake is made by counsel, so often by young practitioners, than in assuming that a witness must be cross examined.

It would be safer to say of your opponent's witness, never cross examine at all, unless you are compelled to do so.

Mr. Wellman contrasts Rufus Choate with Sir Charles Russel (The Earl of Kellowen) as representatives of types of method.

He places each at the head, and awards the leadership of the polite and skillful school to Choate, and the fierce and browbeating manner to Sir Charles. It is safe to say that he never heard either, but he cites cases as published, showing their methods in world renowned cases. The cross examination and crushing out of Pigot in the Parnell Communion case, and Mr. Rufus Choate's methods in some of his great cases are cited.

The work is full of interest, and a most readable volume. It touches on many cases of note. It is sure of a large sale. The Bar, generally, will like the work.

THE DIARY OF A MADMAN, by Guy de Maupassant. In Volume III of the Complete Works of Guy de Maupassant. Published by M. Walter Dunne, 135 Fifth Ave., New York.

Maupassant's work is as yet comparatively unknown to the American reading public, the reason being that but a few of his short stories, and still fewer of his novels, have been presented in the English tongue. His genius, however, has been fully recognized abroad, not alone by the French Academy, the Supreme Court of Literature in France, but by English, German, Russian and Spanish critics, by whom he has been termed "The Supreme Master of the Short Story" and "The Greatest French Novelist since Hugo."

The trend of Maupassant's genius is so essentially toward the psychologic that the keen and minute observation of human nature in all its varying strata which is apparent in his slightest sketches is peculiarly interesting to those students of life who know that the ills of humanity often depend upon the state of mind of the sufferer. The psychology of human nature and medical jurisprudence are more nearly connected than men in general suppose, and to the medical profession at large those stories of De Maupassant which deal especially with illusions, hallucinations, and the crimes that spring from an unbalanced state of mind, whether the cause be acquired or hereditary, are of supreme interest from the scientific as well as the literary point of view.

The story printed in this issue deals with the downfall of the reason of a judge who has been accustomed for years to send people to the guillotine. The judge's mind gives way and he begins to commit, and with extreme cunning to conceal, the very crimes for which he has been sentencing men and women to death for many years. The story is told by De Maupassant with all the brevity and flame-like clearness that placed him above Flaubert, Balzac, and Zola as a teller of Short Stories. As M. Jusserand, the French Ambassador to the United States has well said, "Maupassant can tell more in ten lines than Zola on a page," and as Cardinal Perraud, of the French Academy, puts it, "Maupassant's Short Stories are sermons more forcible than any moral dissertation could ever be."

MANUAL OF FORENSIC QUOTATIONS, by Leon Mèad and F. Newell Gilbert, with an introduction by John W. Griggs. J. F. Taylor & Co. (1903).

Gov. Griggs, in his introductory chapter to this interesting work says: "It is the English speaking Bar, however, that has abounded most in examples of brilliant and moving eloquence."

The examples and selections are all made from the American and the English Bar. It is only fair to say that it is because men are most familiar with the eloquence of modern times in our own tongue that we omit the eloquent pleas of the great intellects who held high place before a Court was opened in America and scarcely in Great Britain.

The voice of Castelar, and of the great leaders of the French, the Italian and the German orators of our day, we can not criticise or compare with our own orators. For the English speaking Bar this work will, however, always be prized as a collection of the ablest men of our own county and the British nation.

MEDICAL JURISPRUDENCE AND TOXICOLOGY, by Prof. John J. Reese. 6th Edition. Revised by Henry Leffman, A. M., M. D. F. Blakeston, Son & Co., Philadelphia. (1902).

Prof. Reese stood deservedly high in his life time, and Dr. Henry Leffman, A. M., M. D., is a competent man to edit and bring out a new edition of this work.

He is an excellent chemist. Has held the Chair of Chemistry and Toxicology in the Woman's Medical College of Philadelphia. Has been the Pathological chemist to the Jefferson Medical College Hospital of the same city. The last edition is enriched by the Editor on its Toxicological side especially. It has been written up to the date of publication on its Toxicological side.

We find little, if any, revision in the work of Forensic Medicine. In Insanity the misleading term "Monomania" is retained.

If Prof. Reese were now alive he would eliminate it.

As Prof. Reese defined it and as Esquirol, who invented it, understood, it would not be misleading, but neither courts, juries, nor lawyers will ever understand "Monomania" as Reese or Esquirol did. It is no longer used by the abler writers, because of this universal misconception which cannot be met or explained.

On the Toxicological side Prof. Leffman has enriched the work, and it will be valuable with the new light shed on these subjects, which have been evolved since the prior edition, especially as to treatment; the employment of alcohol in phenol poisoning, and the change of opinion as to the value of Atropin in cases of morphine poisoning.

THE MAN WHO PLEASES AND THE WOMAN WHO CHARMS, by John A. Cone. Hinds & Noble, N. Y.

This is a remarkable and a good book.

We cannot speak higher of it than to say, we read it all through at the first session after we had taken it, although conscious that

we had not the time to spare. It interested and pleased us. We like it.

THE PAPYRUS, by Michael Monahan, Mount Vernon, N. Y. Mar., 1904.

Mr. Monahan sat so long at the feet of Elbert Hubbard as a disciple and worked so long at his side as a Roy Crofter, in laying the foundation stones of the Phillistine, that we see in the Papyrus a flower that was planted in the Phillistine soil, and warmed into life, and bud and blossom by the same care, hands and tenderness.

His advice to those whom he reaches, to send him \$1.50 and get a full year and the full six numbers, is good, is excellent, and we think well of it and shall follow it.

Monahan is a philosopher and an original thinker. He criticises Dr. W. Lee Howard for calling Poe a Psychopath, but concedes Howard's claim that he was a genius and laughs to scorn the saying, "That genius is akin to madness."

We welcome Papyrus to our table, and wish prosperity and long life to Michael Monahan and his Mount Vernon venture. May his funeral be long postponed, and may he be sustained by "the hope of a fine funeral, through this vale of tears"; a hope so dear to every Irish heart—as Michael touchingly emphasizes by criticising the Irish for their peculiar development as now celebrated in "the old country."

A TEXT-BOOK OF LEGAL MEDICINE AND TOXICOLOGY. Edited by Frederick Peterson, M. D., Chief of Clinic, Nervous Department of the College of Physicians and Surgeons, New York; and Walter S. Haines, M. D., Professor of Chemistry, Pharmacy and Toxicology, Rush Medical College, in affiliation with the University of Chicago. Two imperial octavo volumes of about 750 pages each, fully illustrated. Philadelphia, New York, London. W. B. Saunders & Company, 1903. Per volume: Cloth, \$5.00 net; Sheep or Half Morocco, \$6.00 net.

Perhaps, no two men, of their age, could be found more competent or reliable to bring out a general work on Medical Jurisprudence, especially on the side of the Medical Jurisprudence of Insanity, for the one, and of Toxicology on the other than Dr. Frederick Peterson, of New York; and Dr. Walter S. Haines, of Chicago. Dr. Peterson has ranked among our foremost neurologists for some years, and Dr. Haines is not a chemist only, or merely, but he is a medical man of high character and standing, rounding off his education in his profession with such an exceedingly careful study and training in chemistry, and especially Toxicology, as to eminently qualify him for the Chair of Chemistry and Toxicology in Rush Medical College, of Chicago, which place he has held with signal ability.

There are those who think a neurologist should have had contact with the insane, in asylum practice, to make them competent to speak with authority in regard to those questions relating to the Medical Jurisprudence of Insanity, which a physician only should know, to justify their assumption of ability to write upon them. Bucknill, Tuke, Taylor, Maudsley, Savage, Blackford, in England; Briande and Choate, Esquirol, Motet, Magnan and the ablest of the French writers on the medical side; with Brouardel on the Toxicological side; were men who speak from their personal and practical experience.

The writings of Ray and Stearns and Gray, and the splendid array of the names that have governed the American asylums of the century just closed, especially the last half of it, give a peculiar charm to their writings, and reflect credit upon their lives and work.

Dr. Fred. Peterson is, however, one of the few neurologists who was best fitted for such a task. What has been attempted has been

accomplished and well done. These two physicians have sought to give the profession the latest knowledge in the field of legal medicine. Neither of them lawyers, of course, not versed in the legal questions involved, they have given the best light they can obtain on the legal questions involved from the best sources at their hands.

They have taken good legal advice on the questions relating to the legal side of the questions.

Their corp of collaborators have been well selected.

On the X-Ray for example they give the best and latest authoritative views of the best observers.

On Blood stains they follow in the lead of Prof. Wormley and Formead, and refer to standard authors and writers on the leading questions of the hour in that regard.

This work presents to the medical and legal professions a comprehensive survey of forensic medicine and toxicology in moderate compass.

For convenience of reference the treatise has been divided into two sections, Part I and Part II, the latter being devoted to Toxicology and all other portions of Legal Medicine in which laboratory investigation is an essential feature. Under "Expert Evidence" not only is advice given to medical experts, but suggestions are also made to attorneys as to the best methods of obtaining the desired information from the witness. No lawyer should go to trial in an important Medico-Legal case without a competent medical adviser, as to the criminal questions involved. The Bertillon and Greenleaf-Smart systems of identification are concisely and intelligently described, and the advantages of each stated. An interesting and important chapter is that on "The Destruction and Attempted Destruction of the Human Body by Fire and Chemicals," for on the determination of the human or animal source of the remains frequently depends the legal conduct of a given case, and the guilt or innocence of the accused. The responsibility of pharmacists in the compounding of prescriptions, in the selling of poisons, in substituting drugs other than those prescribed, etc., furnishes a chapter of the greatest interest to every one concerned with questions of medical jurisprudence. Also included in the work is the enumeration of the laws of the various States relating to the commitment and retention of the insane. This will be found of great value to the Medico-Legal student, and is, we think, the only work which has collated the statutes of the several States on the subject.

The work is finely illustrated, is produced on good paper, neatly bound, and is a credit both to the authors and the publishers.

THE MEDICAL SENTINEL, April Number.

"Treatment of Scarlet Fever." By R. J. Skaife, M. D., Wash.

"Practical Therapeutics in Eye Diseases." By Jno. A. Donovan, M. D., Butte, Mont.

"The Secret of Longevity." By B. F. Hart, M. D., Seattle, Wash.

"Physiological Force." By I. L. Magee, M. D., Wallace, Idaho.

"Treasury Department." Bureau of Public Health and M. H. S.

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THE SMART SET. **Veronica's Lovers**, G. B. Burgin; **The Wood of Yden**, Zona Gale; **The Blue Pear**, Arthur Stringer; **An Old Maid's Idyll**, Nora Alexander; **In April**, Edward W. Barnard; **The Generosity of John Thomkins**, Elizabeth Duer; **Her Photograph**, Reginald W. Kauffman; **An Easter Carol**, Ernest Jarrold; **The Raining of Influence**, Nivade Chemam; **In Honor of St. Julian**, Maurice F. Egan; **"Sounding Brass"**, Emery Pottle; **The Everlasting Round**, Edwin L. Sabin; **The Major's Automobile**, Ruth Kimball Gardiner; **With Faint Heart**, Carroll W. Rankin; **A Pavilion on the Sand**, John R. Ellyson; **Plans and Specifications**, Draper Williamson; **Le Gant**, Albert Boissiere; **His Crowded Hour**, Bertha Runkle; **The Literati**, Theodosia Garrison; **The "Chow" Coterie**, Lefa F. Hubbell.

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REVIEW OF REVIEWS. The Progress of the World; Record of Current Events; Foreign Cartoons on Current Topics; Verestchagin, Painter of War; Vice-Admiral Togo, a Type of the Japanese Fighting Man, Hirata Tatsuo; Fifty Years of Japan, Adachi Kinnosuke; Torpedoes and Torpedo Warfare, Hudson Maxim; The St. Louis Fair; What Everybody Will Wish to Know Before Going, William L. Saunders; The Art Exhibition at St. Louis, Halsey C. Ives; What the People Read in Japan; Japanese Opinion of the American Attitude of the War; The Effect of the War on the Internal Affairs of Russia; Climatic Features of the Field of the Russo-Japanese War, Frank Waldo; Chicago's Significant Election and Referendum, Victor S. Yarros; Conventions and Other Gatherings of the Year; Leading Articles of the Month.

THE CHAUTAUQUAN. Amalgamation and Assimilation of Immigrant Races, John R. Commons; A Reading Journey in Cuba, Capt. M. Hanna, U. S. N.; The Sculpture of the Louisiana Purchase Exposition, Edwina Spencer; Astoria, Archer B. Hulbert; The Return to Nature, Charles Zueblin; The Humanizing Tendency of Industrial Education, Jane Addams; Nature Study (Ants and Their Herds—The Onion), Anna B. Comstock.

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SELECTIONS.

THE DIARY OF A MADMAN.

By Guy de Maupassant.

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He was dead—the head of a high tribunal, the upright magistrate, whose irreproachable life was a proverb in all the courts of France. Advocates, young counselors, judges had saluted, bowing low in token of profound respect, remembering that grand face, pale and thin, illumined by two bright, deep-set eyes.

He had passed his life in pursuing crime and in protecting the weak. Swindlers and murders had no more redoubtable enemy, for he seemed to read in the recesses of their souls their most secret thoughts.

He was dead, now, at the age of eighty-two, honored by the homage and followed by the regrets of a whole people. Soldiers in red breeches had escorted him to the tomb, and men in white cravats had shed on his grave tears that seemed to be real.

But listen to the strange paper found by the dismayed notary in the desk where the judge had kept filed the records of great criminals! It was entitled:

WHY?

June 20, 1851. I have just left court. I have condemned Blondel to death! Now, why did this man kill his five children? Frequently one meets with people to whom killing is a pleasure. Yes, yes, it should be a pleasure—the greatest of all, perhaps, for is not killing most like creating? To make and to destroy! These two words contain the history of the universe, the history of all worlds, all that is, all! Why is it not intoxicating to kill

June 25. To think that there is a being who lives, who walks, who runs. A being? What is a being? An animated thing which bears in it the principle of motion, and a will

ruling that principle. It clings to nothing, this thing. Its feet are independent of the ground. It is a grain of life that moves on the earth, and this grain of life, coming I know not whence, one can destroy at one's will. Then nothing—nothing more. It perishes; it is finished.

June 26. Why, then, is it a crime to kill? Yes, why? On the contrary, it is the law of nature. Every being has the mission to kill; he kills to live, and he lives to kill. The beast kills without ceasing, all day, every instant of its existence. Man kills without ceasing, to nourish himself; but since in addition he needs to kill for pleasure, he has invented the chase! The child kills the insects he finds, the little birds, all the little animals that come in his way. But this does not suffice for the irresistible need of massacre that is in us. It is not enough to kill beasts; we must kill man too. Long ago this need was satisfied by human sacrifice. Now, the necessity of living in society has made murder a crime. We condemn and punish the assassin! But as we cannot live without yielding to this natural and imperious instinct of death, we relieve ourselves, from time to time, by wars. Then a whole nation slaughters another nation. It is a feast of blood, a feast that maddens armies and intoxicates the civilians, women and children, who read, by lamplight at night, the feverish story of massacre.

And do we depise those picked out to accomplish these butcheries of men? No, they are loaded with honors. They are clad in gold and in resplendent stuffs; they wear plumes on their heads and ornaments on their breasts; and they are given crosses, rewards, titles of every kind. They are proud, respected, loved by women, cheered by the crowd, solely because their mission is to shed human blood! They drag through the streets their instruments of death, and the passer-by, clad in black, looks on with envy. For to kill is the great law put by nature in the heart of existence! There is nothing more beautiful and honorable than killing!

June 30. To kill is the law, because Nature loves eternal youth. She seems to cry in all her unconscious acts: "Quick! quick! quick!" The more she destroys, the more she renews herself.

July 3. It must be a pleasure, unique and full of zest, to kill: to place before you a living, thinking being; to make therein a little hole, nothing but a little hole, and to see that

red liquid flow which is the blood, which is the life; and then to have before you only a heap of limp flesh, cold, inert, void of thought!

August 5 I, who have passed my life in judging, condemning, killing by words pronounced, killing by the guillotine those who had killed by the knife, if I should do as all the assassins whom I have smitten have done, I, I—who would know it?

August 10. Who would ever know? Who would ever suspect me, especially if I should choose a being I had no interest in doing away with?

August 22. I could resist no longer. I have killed a little creature as an experiment, as a beginning. Jean, my servant, had a goldfinch in a cage hung in the office window. I sent him on an errand, and I took the little bird in my hand, in my hand where I felt its heart beat. It was warm. I went up to my room. From time to time I squeezed it tighter; its heart beat faster; it was atrocious and delicious. I was nearly choking it. But I could not see the blood.

Then I took scissors, short nail scissors, and I cut its throat in three strokes, quite gently. It opened its bill, it struggled to escape me, but I held it, oh! I held it—I could have held a mad dog—and I saw the blood trickle.

And then I did as assassins do—real ones. I washed the scissors and washed my hands. I sprinkled water, and took the body, the corpse, to the garden to hide it. I buried it under a strawberry plant. It will never be found. Every day I can eat a strawberry from that plant. How one can enjoy life, when one knows how!

My servant cried: he thought his bird flown. How could he suspect he? Ah!

August 25. I must kill a man! I must!

August 30. It is done. But what a little thing! I had gone for a walk in the forest of Vernes. I was thinking of nothing, literally nothing. See! a child on the road, a little child eating a slice of bread and butter. He stops to see me pass and says, "Good day, Mr. President."

And the thought enters my head: "Shall I kill him?"

I answer: "You are alone, my boy?"

"Yes, sir."

"All alone in the wood?"

"Yes, sir."

The wish to kill him intoxicated me like wine. I approached him quite softly, persuaded that he was going to run away. And suddenly I seized him by the throat. He held my wrists in his little hands, and his body writhed like a feather on the fire. Then he moved no more. I threw the body in the ditch, then some weeds on top of it. I returned home and dined well. What a little thing it was! In the evening I was very gay, light, rejuvenated, and passed the evening at the Perfect's. They found me witty. But I have not seen blood! I am not tranquil.

August 31. The body has been discovered. They are hunting the assassin. Ah!

September 1. Two tramps have been arrested. Proofs are lacking.

September 2. The parents have been to see me. They wept! Ah!

October 6. Nothing has been discovered. Some strolling vagabond must have done the deed. Ah! If I had seen the blood flow it seems to me I should be tranquil now!

October 10. Yet another. I was walking by the river, after breakfast. And I saw, under a willow, a fisherman asleep. It was noon. A spade, as if expressly put there for me, was standing in a potato field near by.

I took it. I returned; I raised it like a club, and with one blow of he edge I cleft the fisherman's head. Oh! he bled, this one!—rose-colored blood. It flowed into the water quite gently. And I went away with a grave step. If I had been seen! Ah! I should have made an excellent assassin.

October 25. The affair of the fisherman makes a great noise. His nephew, who fished with him, is charged with the murder.

October 26. The examining magistrate affirms that the nephew is guilty. Everybody in town believes it. Ah! ah!

October 27. The nephew defends himself badly. He had gone to the village to buy bread and cheese, he declares. He swears that his uncle had been killed in his absence! Who would believe him?

October 28. The nephew has all but confessed, so much have they made him lose his head! Ah! Justice!

November 15. There are overwhelming proofs against the nephew, who was his uncle's heir. I shall preside at the sessions.

January 25, 1852. To death! to death! to death! I have had him condemned to death! The advocate-general spoke like an angel! Ah! Yet another! I shall go to see him executed!

March 10. It is done. They guillotined him this morning. He died very well! very well! That gave me pleasure! How fine it is to see a man's head cut off!

Now, I shall wait, I can wait. It would take such a little thing to let myself be caught.

* * * * *

The manuscript contained more pages, but told of no new crime.

Alienist physicians to whom the awful story has been submitted declare that there are in the world many unknown madmen, as adroit and as terrible as this monstrous lunatic.

ERGOAPIOL.

The therapeutic qualities of Ergoapiol were favorably alluded to by Dr J. Ridgely Simms, A. M., M. D., of Racine, Wisconsin, in a paper read by him, from which we make the following extracts:

The effects of retained placental or fetal tissue in a partially successful miscarriage or abortion consist in hemorrhages, purulent discharge, enlargement of the uterus, subinvolution, metritis, endometritis and sepsis. The indications in these cases are, therefore, the thorough emptying of the uterus and the rendering of the womb cavity aseptic.

In ordinary cases this must be done by surgical interference, including curetting and the removal of all decomposing and diseased tissue, followed by the application of antiseptics to the endometrium. There is a class of cases, however, in which for one reason or another curettage is refused by the patient, and in which it is incumbent upon the physician to give what relief he can by medical means. In such cases I have prescribed Ergoapiol (Smith), a combination of the active principles of ergot (ergotine) parsley (apiol) and certain other emmenagogues and uterine tonics. In one case of this kind which came under my observation some months ago, I used Ergoapiol (Smith) with such marked success, that I learned since then to rely upon this preparation in removing the retained fragments from the uterus, emptying the organ and reducing it to its normal size and functions. The remedy in question has proved so trustworthy in my hands in these cases, that when it disappoints, which it rarely does, I look about to ascertain wherein I myself have erred.

The same writer also said:

In congestive dysmenorrhea, and in that form which is accompanied by fetid discharge, the indications are to diminish congestion, by promoting the contractions of the uterus and relieving it of the accumulated blood, to stimulate glandular activity in the mucosa, to restore the tone of the uterus and the nutrition of its tissues to normal, and to relieve spasm and pain.

The following cases illustrate the effects which I obtained with the use of Ergoapiol (Smith) in the treatment of dysmenorrhea:

Some months ago I was consulted by a young woman who had suffered from scanty, fetid menstruation, accompanied by a great deal of pain, since the birth of her first child seven years previously. Her labor had been followed by a tear of the perineum which had been left unrepaired, and also a laceration of the cervix uteri. This patient consulted a specilist, but his treatment did not give her relief. Examination revealed the presence of the uterine and perineal lacerations already mentioned, and disclosed a chronic endometritis that had given rise to a fetid discharge and to pain during each menstrual period. I repaired the tears, curetted the uterus, and hoped in this manner to obtain permanent relief of the patient's symptoms. After she had recovered from the operations, she declared that she was feeling better than she had been for years. But very soon the fetid discharge and the pain returned at each menstrual period, and evidently something else had to be done if I wanted to save my reputation. I then tried local applications, alteratives, uterine tonics, etc., all without avail, until finally Ergoapiol (Smith) was given. The result was immediate relief and a gradual and permanent improvement in the menstrual flow until it was free from pain and devoid of any disagreeable odor.

This patient was evidently suffering from congestive dysmenorrhea which was intensified by the presence of lacerations of the cervix and the perineum which had existed since parturition. The result attained illustrates very well how Ergoapiol (Smith) acted upon the uterus, restoring its tissues to normal condition and re-establishing the menstrual function upon its normal basis.

Dr. Sims also says in same paper:

In describing an other form, or type of dysmenorrhea, that which I term "nervous," but which the authorities term "neuralgis," is illustrated by the following case which recently came under my care:

The patient was a young woman who had been married two years, but had not borne any children. She stated that she had pain during the menstrual period from the first onset of menses, and at the time of examination she also complained of a fetid discharge. The menstrual flow was scanty and rarely of blood red color. Just before and after the period she had backache and headache, her complexion was unhealthy, not bright and clear as that of her sister, and she appeared older than she really was. She always dreaded the onset of the menses which recurred with a regularity that is not always present in these cases. She was easily excited, and received impressions vividly and indelibly. Her digestion was poor, and she was often sleepless, irritable, and peevish.

Vaginal examination revealed a slightly thickened os and slight endocervicitis with erosions of the cervix. Cod liver oil, malt extract, hypophosphites, and aromatics, in combination, 25 per cent. of each, were given freely during the intervals between the menstrual periods and for three days before the expected menstruation Ergoapiol (Smith) was given in capsules, one being given three times daily until the discharge ceased. At the fourth period after the beginning of the treatment she was relieved of all her symptoms, and was free from pain and fetor during menstruation. Locally, tincture of iodine and occasionally tampons of ichthyol and glycerine were applied. The cure was permanent and in every way satisfactory.

The profession can rely on this remedy.

AN IMPORTANT ADVANCE IN SURGICAL SCIENCE.

Another illustration of the tendency of surgery to specialism is illustrated by the opening of The Nelden Institute and Sanitarium, of which the well known surgeon, Andrew L. Nelden, M. D., is the founder and Medical Director. Dr. Nelden graduated at the New York Homeopathic Medical College in "87," and since then, has devoted most of his time to minor surgery, and latterly almost exclusively to delicate plastic operations of the features, believing that this almost neglected branch in surgery would soon become a recognized necessity. So expert in this specialty has Dr. Nelden become, that by the use of Local Anesthetics only he is able to perform all operations for the correction of deformities and irregularities of the features quickly and painlessly. He has taken faces that were almost pitiful in their deformities, and made them not merely normal, but positively handsome. Operations considered impossible heretofore have been attempted by the Doctor, and he has proved himself a clever surgeon by his successful accomplishing such operations often under difficulties and adverse advantages, but by venturing boldly into this comparatively new field, he has stimu-

lated other surgical plastic work. His large Sanitarium contains every known apparatus and appliances to assist in accomplishing the results aimed at.

In 1894 he used wax in place of gold as a bridge for depressed noses, and in 1897, three years before Dr. Gursnny, of Vienna, announced subcutaneous injections of paraffin, he had given his formulas to some members of the faculty in Bellevue Medical College. Later owing to the irritation occasionally produced by the Paraffin becoming hard, he invented a preparation known as Glycophine, entirely illimitating paraffin. This new preparation can be injected cold, and always remains in the same consistency, producing no irritation.

Dr. Nelden has for many years performed plastic operations on the eyes, nose, mouth and ears for the improvement of the personal appearance, and is an expert in removing lines from the face, puffs from under the eyes, and excising glands from the neck by delicate incisions, which leave practically no scars. He is frequently summoned to various hospitals or by physicians in private practice to suture wounds, that the best union may be obtained without scars. The Nelden Sanitarium fills a long felt want, and physicians all over the country will be glad to know of a satisfactory place where they may send their patients who were suffering with deformities or blemishes, which mar an otherwise happy life.

PERSONAL.

Dr. Daniel Lewis, Editor of the Medical Review of Reviews and President of the American Anti-Tuberculosis League, makes the following criticism upon the action of the Committee named by Dr. Oster, and the Select Medical Society he is understood to favor in the April number of his Journal editorially:

THE ANTI-TUBERCULOSIS CONGRESS QUESTION.

The Committee appointed at Baltimore, which it was expected would settle the status of National Anti-Tuberculosis Organizations, cannot be said to have completely fulfilled its mission. The second meeting of the Committee, at Philadelphia, developed a desire on the part of many of the gentlemen present to organize a small body for the study of tuberculosis, and the initial steps were taken to form such a Society.

The broad plan of organization of the American Anti-Tuberculosis League, which seeks the diffusion of knowledge upon the prevention of tuberculosis and its management amongst the people, was so radically different from the Philadelphia plan, that amalgamation with it was impossible. It did not develop during the proceedings that the educational feature of the crusade against tuberculosis is no longer desirable, and there seems no reason why the Anti-Tuberculosis League may not proceed with the perfection of its plans for the Washington meeting, in 1905.

The writer has felt compelled, chiefly from personal reasons, to withdraw from the presidency of the League, but is as confident as ever of the wisdom and practical value of the plan of its promoters and will hope for their successful execution by his successor.

We hope that the withdrawal of Dr. Daniel Lewis from the Presidency will not prevent the success of the movement, that a suitable successor may be found and that the meeting of the Anti-Tuberculosis League, in Washington, will result in good to the cause.

Dr. John H. Pryor has been appointed Superintendent of the New York State Hospital for the treatment of patients suffering from incipient tuberculosis, located at Ray Brook, Essex County, in the Adirondack region. Dr. Pryor is a leading physician in the City of Buffalo and an admirable selection for this position.

Dr. F. E. Daniel, Editor of the Texas Medical Journal and First Vice-President of the American International Congress

on Tuberculosis, has been elected President of the State Medical Association of the State of Texas. This is the crowning honor of Dr. Daniel's medical career, and we congratulate the medical men of the State on the wise selection made for this office.

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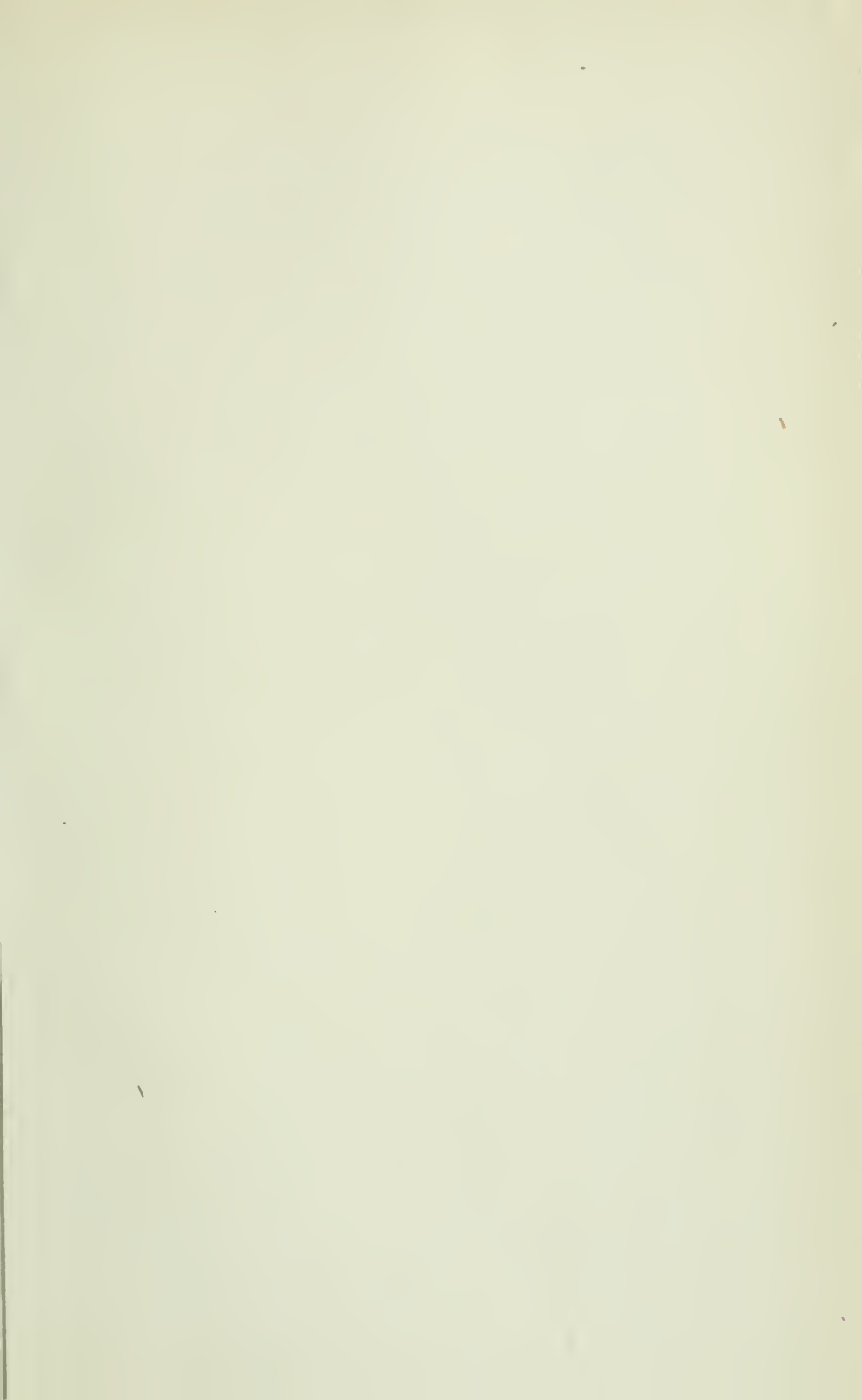
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ERRATA.

Mayward, p. 468, should read Maynard, in the Skeeth of
Judge Maynard's life.



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